









# DIPLOMATIC MEMOIRS

VOLUME II





*Mary Parke Foster*

# DIPLOMATIC MEMOIRS

BY

JOHN W. FOSTER

*Author of "A Century of American Diplomacy,"
"American Diplomacy in the Orient,"
"The Practice of Diplomacy," etc.*

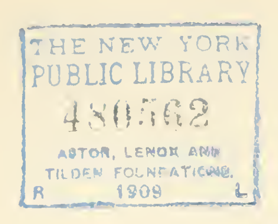
IN TWO VOLUMES

VOLUME II

*WITH ILLUSTRATIONS*




BOSTON AND NEW YORK
HOUGHTON MIFFLIN COMPANY
The Riverside Press Cambridge
1909






*Published November 1909*

# CONTENTS



# ILLUSTRATIONS



# DIPLOMATIC MEMOIRS

1891–1909



# DIPLOMATIC MEMOIRS

## CHAPTER XXV

### RECIPROCITY NEGOTIATIONS

I HAVE referred in previous chapters to the interest manifested by President Arthur in the development of commercial reciprocity, and to the steps taken by his administration to inaugurate and carry forward such a system of exchange with foreign countries. His defeat in the national convention of his party in 1884, followed by the election of President Cleveland, who was opposed to the system, resulted in the failure of the three treaties which had been negotiated with Mexico, with Spain for Cuba and Porto Rico, and with San Domingo.

But the return of the Republicans to power in the election of President Harrison in 1888 revived the reciprocity projects. Special arrangements or treaties for the favored exchange of products with other nations were not an entirely new measure. During the presidency of Jackson a treaty made with France (1831) contained commercial reciprocity provisions. In 1843 President Tyler instructed our Minister to Prussia, Mr. Wheaton, to negotiate with the Germanic Customs Union, or Zollverein, "a commercial treaty, which, while it will open new advantages to the agricultural interests of the United States and a more free and expanded field for commercial operations, will affect injuriously no existing interest in the Union." This was the exact basis upon which reciprocity was advocated by the Harrison Administration in 1890. Mr. Wheaton was successful in his negotiations, and the treaty, embracing a long list of products and manufac-

tures, was sent to the Senate, but failed to be approved by that body because of constitutional objections.

A reciprocity treaty with Canada was negotiated in 1854, which continued in operation for ten years and came to an end by limitation. Favored exchange of products with the Hawaiian Islands was established in 1875 by a reciprocity treaty, which remained in force up to the time of the annexation of the Islands to the Union, and was an important factor in bringing about that result.

The tariff was the most prominent question in the presidential campaign of 1888. The Republicans, while they attacked the Democratic revenue legislation as proposed in the Mills Bill, and strongly advocated the protective policy, promised in the event of success at the polls to reduce the revenue. When the new Congress assembled, the Republican majority sought to redeem the latter promise by repealing the duties on sugar and admitting that important tropical product free of all tax. This proposition created a vigorous opposition on the part of the friends of reciprocity, who urged that the duty on sugar should be retained as one of the chief bases of negotiations with the Spanish-American countries for the free or favored introduction into them of American products and manufactures; and Mr. Blaine, President Harrison's Secretary of State, became the prominent champion of their cause.

Several events had occurred tending to give Mr. Blaine new light on the subject, since he had quietly arrayed himself against the Arthur reciprocity treaties in 1884. Congress, upon the recommendation of President Arthur, had authorized the appointment of a commission to visit the Central and South American States to study and report upon the best method of developing better commercial relations with them. The report of this commission showed that those states were willing to unite with the United States in reciprocity treaties, and it recommended that a conference of all

the American nations be called to take this and other matters of mutual interest into consideration. This international conference assembled, Secretary Blaine was made its president, and it was in session for several months in 1889–90. One of its resolutions, adopted with unanimity, was in favor of the negotiation among the American States of commercial treaties embracing mutual tariff concessions. While legislation was pending upon the tariff, President Harrison sent to Congress Mr. Blaine's report of the action of the Pan-American Conference with his hearty indorsement, and the President stated that any action taken by Congress in that direction would receive the prompt and favorable attention of the Executive.

During the hot summer months of 1890 an animated discussion was carried on in Congress and throughout the country, mainly within the ranks of the Republican Party, on the proposition of the Committee of Ways and Means to place sugar on the free list. Mr. Blaine was very active in opposition to it, unless its exemption from duty was coupled with a proviso that the countries from which it was imported should grant some equivalent concessions to products of the United States. He inaugurated a campaign of education by addressing letters to members of Congress on the subject, which were given to the press, by public addresses which were widely circulated, and by conferences with the committee having charge of the tariff legislation. A prominent business man of New York City, who had taken a deep interest in the effort to secure the approval of the Senate to the Cuban reciprocity treaty in 1884, wrote me in June, 1890: "I am quite interested in the discussion on reciprocity now going on. It is amusing to see how Blaine has come round, to those who know how he stood in Cuban treaty times." Mr. Blaine was too experienced a politician to be embarrassed by such an inconsistency.

All the efforts so actively put forth to influence the action

of the Committee of Ways and Means on the subject were futile, although it was understood that Mr. McKinley, then the chairman of the committee and the putative author of the tariff bill, was in favor of Mr. Blaine's plan. Mr. Thomas B. Reed, the Speaker of the House, who was on unfriendly personal terms with Mr. Blaine, exerted all the influence of his office to defeat the latter's efforts and the revenue bill was sent to the Senate with sugar and a number of other tropical products unconditionally placed on the free list. The friends of reciprocity now turned their attention to the Senate, and Secretary Blaine continued his activity in seeking to influence that legislative branch of the Government. One of his conferences with a Senate Committee gained great notoriety, as it was reported that during the interview his response to the inquiry of one of the members was so emphatic that he crushed on the committee table his new silk hat!

Mr. William E. Curtis, the well-known correspondent, who was present, in his account of the interview, writes: "Mr. Blaine, in the impetuous manner that is characteristic of him, declared that if sugar was placed on the free list the greatest results sought for and expected from the International Conference would be sacrificed. He declared that it would be the most inexcusable piece of folly the Republican Party was ever guilty of, and that the leaders in Congress would realize it before many months, and that if he was in the Senate he would fight it to the best of his ability. He spoke with the greatest earnestness, and said that he would give two years of his life for two hours on the floor of the Senate when the sugar schedule was under consideration. Forty millions of people, he said, had expressed their willingness to admit our food products free if we would take the duty off their sugar, and in the face of that proposition our Congress proposed to put sugar on the free list without asking any concession in return."

After much wrangling in committee, the submission of

various propositions to reconcile the conflicting views, and the quiet interposition of President Harrison, a compromise was effected by a clause incorporated in the revenue act of October 1, 1890, known as the McKinley Tariff, which placed sugar and a number of other tropical products on the free list, but authorized the President in his discretion to impose duties on those products coming from countries which would not extend similar favors to the products of the United States. The language of the clause was, in part, as follows: "That with a view to secure reciprocal trade with countries producing these articles, and for this purpose, on and after the first day of July, 1892, whenever, and so often as the President shall be satisfied that the Government of any country producing and exporting sugars, molasses, coffee, tea, hides, raw and uncured, or any such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States he may deem to be reciprocally unequal and unjust, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides, the production of such country, for such time as he shall deem just, and in such case and during such suspension duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea, and hides, the product of or exported from such designated country, as follows, namely:" . . .

During the controversy in Congress, I had been frequently consulted by Mr. McKinley and by members of the Senate Committee on Finance, they recognizing that my experience in reciprocity matters and my familiarity with Spanish-American affairs placed me in a position to be of some service to them in reaching a satisfactory conclusion of the much-vexed question. When it became apparent that the Senate would force the House to conform substantially to Mr.

Blaine's wishes, the latter directed his private secretary to write me as follows: "The Secretary directs me to say that while he does not feel authorized to make a positive arrangement without first consulting the President, you are by all odds the best man in the country to undertake such a work [the diplomatic negotiations to grow out of the law cited], and he should wish to place it in your hands unless the President objected, which he thought was scarcely probable."

The law containing the reciprocity clause was passed on October 1, and on the next day I met Secretary Blaine by his request at his residence, and he then tendered me the employment to take charge of the reciprocity negotiations. His reasons for doing so were because he was already burdened with very important state matters, his health was not good, the negotiations would require much statistical research and would embrace many governments, and there was no official in his department to whom he chose to commit the task. The employment commended itself to me because its duties could be discharged mainly at Washington, so that I should not have to give up my other professional engagements, it was in line with my tastes and past study, and would afford me an opportunity to render my country a service of some importance.

From that day the reciprocity negotiations under the law of October 1, 1890, were placed entirely in my hands, except so far as Secretary Blaine's signature was necessary to initiate negotiations or to perfect those arranged by me. For the next twelve months I was in constant personal intercourse with Mr. Blaine and often with the President, informing them of the progress of the negotiations and seeking their advice or direction on controverted or difficult matters.

The first step taken to initiate negotiations with the countries with whom it was desired that reciprocity arrangements should be effected was a note from the Secretary of State addressed to the diplomatic representative of such countries

in Washington, bringing to their attention the law enacted by Congress, and asking to be advised of the changes which their respective governments would be willing to make in their system of tariff duties, in response to the changes proposed in the tariff of the United States which were favorable to their countries. The opponents of the measure in Congress and in the press had predicted that foreign governments could not be induced by what they termed this policy of coercion to enter into reciprocity; and much general interest was manifested, and, by the friends of reciprocity, some anxiety, as to the manner in which the sugar and coffee producing countries would entertain the invitation of the Secretary of State.

Fortunately the Minister of Brazil at Washington, Senhor Salvador de Mendonca, was not only very friendly to the United States, but had been, in the International Conference, a strong advocate of reciprocity. Besides, his country was regarded as one of those with which reciprocity was most desired. He responded promptly to the invitation, and after the necessary delay in agreeing upon a schedule of American articles to be admitted free or with reduced duties in Brazil and in fixing other details, the terms of the arrangement were forwarded to Rio de Janeiro for examination and ratification. It was to be the test case of success or failure, and we awaited the result not without some misgivings. In due time Mr. Mendonca came to me bringing the intelligence that his Government had ratified the arrangement. He had first seen Mr. Blaine, who sent by him the following hasty and laconic note:

17 Madison Place,
Washington, 28 Jany. '91.

My dear Mr. Foster,—

Mr. Mendonca will give you good news. Pray call in the morning by 10 or 9.40.

Sincerely,
James G. Blaine.

In my conference with Mr. Blaine at his residence the next morning we congratulated ourselves that our work was auspiciously begun, but we had one more step to take before we could be assured of full success. Until we could bring the large sugar-producing island of Cuba into the arrangement, we could hardly expect the other sugar-exporting countries to accede to our terms for commercial reciprocity. But Spain was sullen and resentful over the failure to ratify the commercial treaty of 1884, and her Government was in no temper to venture again upon reciprocity with us. I felt, however, that the agreement with Brazil would make the sugar-planters of Cuba the more anxious to preserve a free market in the United States for their production, and that if we could bring about a strong demonstration from them to the Home Government, a change of feeling there might be secured, as the Spanish rulers could not afford to aggravate the situation in Cuba by displeasing the commercial and industrial elements of the island. It was agreed that my next objective point was, not Madrid, but Havana. The only credentials I took with me or instructions sent to the Consulate-General in that city were the following letter in the handwriting of the Secretary himself: —

*Confidential* DEPARTMENT OF STATE,
WASHINGTON, Feby. 6, 1891.

RAMON O. WILLIAMS, ESQ.,
CONSUL-GENERAL, ETC.

MY DEAR SIR, —

This note will be delivered to you by Hon. John W. Foster. He goes to you officially with the fullest credit and confidence of the State Department.

Please respond to any and all requests he may make. I give no specific directions. Mr. Foster is accredited *carte blanche*.

Very sincerely,
JAMES G. BLAINE.

*Confidential*

DEPARTMENT OF STATE,

WASHINGTON. Feby 6/1891

Ramon O. Williams Esq
Consul General &c

My Dear Sir:

This note will be delivered to you by Hon John W. Foster. He goes to you officially with the fullest credit & confidence of the State Department — Please respond to any & all requests he may make — I give no specific instructions. Mr. Foster is accredited carte blanche

Very Sincerely

James G Blaine

This letter to be retained by Mr. Foster
James G Blaine

As I was then nominally in private life, holding no public office, my visit to Havana was understood to be a winter trip for health and recreation. But during the ten days which I spent in the island I was enabled to confer fully with the leading planters and exporters and have a conference with the Governor-General, and I returned to Washington with the assurance that the Government at Madrid would be made to understand without delay that it would be ruinous to the island to have its sugar taxed on its importation into the United States, while that of Brazil was admitted free of duty; or, in other words, that a reciprocity arrangement with our country was a necessity.

Soon after my return to Washington I undertook my second mission to Spain, which I have mentioned in the preceding chapter. All that is necessary to say further on the subject is that my mission was entirely successful, and that having effected reciprocity with Cuba and Porto Rico on the basis of the law of 1890, we were able to push our negotiations with the other countries with rapidity.

I found on my return a special representative of San Domingo waiting to take up reciprocity negotiations, and being accredited with "full powers" by the President for the purpose, I next turned my attention to that Government. In view of the fact that a commercial treaty had been made with San Domingo in 1884, we took that as a basis and were enabled in a short time to come to an agreement. As the States of Central America were exporters of sugar and coffee, they were brought into a similar arrangement soon after San Domingo.

The British colonies in the West Indies required special treatment on account of their nominal dependence on Great Britain, which was a free-trade country, but which allowed these colonies to make their own tariffs, which in some instances contained burdensome discriminations against American products. Recognizing the semi-independent character

of these colonies, the American consular officers at their respective seats of government were instructed to bring to the attention of the governors the reciprocity provision of the Tariff Act of 1890, and information had been received at the Department of State that the governors or other authorities had been exchanging views with the British Colonial Office on the subject.

In passing through London on my return from Madrid, I learned that the Colonial Office was disposed to permit the colonies of the West Indies to pursue their own negotiations. In the autumn of 1891 delegations from the Barbadoes, the Leeward and Windward Islands, Trinidad, and British Guiana began to arrive singly in Washington to seek an arrangement for their respective peoples. The tariff of each one of these colonies was different from the others and their local interests were not in all respects similar. Hence separate conferences had to be held with each delegation.

The negotiations were nominally conducted through the British Minister in Washington, but the only participation which Sir Julian (later Lord) Pauncefote had in them was to present the different delegations on their arrival to Secretary Blaine and introduce them to me in the diplomatic reception-room. Thereafter all the conferences were held between the delegations and myself in the room in the department set apart for my use, or at my residence. Usually a secretary of the British Legation, Mr. Spring Rice, was present, but he took no part in the discussion and did not worry his brain with the array of statistics and the controversies over discriminations which perplexed the delegations and myself through several weeks. He was one of the most popular of the young diplomats in Washington, and he has since risen to important posts in the foreign service of his country. Something of his vivacious temperament may be seen from a note which I found among my reciprocity papers: —

British Legation,
Nov. 30, '91.

Dear General Foster:

The Delegates from Barbadoes have arrived and are dying to see you. Can you satisfy their passion on Tuesday at 11? If not, I will break it to them as gently as may be.

I hope the turkey was good. The goose which was cooked for us was wholesome but not nutritious [a part of the yield of a shooting-expedition].

Yours sincerely,
C. A. Spring Rice.

The colony of Jamaica held out for some time against making any reciprocity arrangement, but after I had reached an agreement with the other West Indian colonies, they sent a delegation to Washington. We had considerable difficulty in reaching an agreement, as the delegation claimed that the people of the island were strongly opposed to making any reduction in their revenue, and they earnestly sought to make better terms than the other colonies. After the agreement was published in the Island, I sent Mr. Spring Rice some newspaper comments showing satisfaction with the result. It is to these he refers in his note to me, which concluded our intercourse on these matters: —

Washington, Jan. 5, 1892.

My dear General, —

Thank you very much for the cutting, which I showed to Sir Julian, who read it, as well as the articles which have appeared in the "Tribune," with great interest. It is very satisfactory to see that such a view of the arrangement has been taken; although it does not at all correspond with the views which have reached us here from other sources. But we are glad to know that Hocking [the Jamaican delegate] won't have to seek refuge from an infuriated populace in the United States Consulate.

I take this opportunity of thanking you for the great kindness and courtesy which you have shown me personally throughout the negotiations.

With the best wishes for the New Year to you and Mrs. Foster, Believe me, yours very sincerely,

C. A. Spring Rice.

During the negotiations with the British colonies, which were protracted and somewhat intricate, I fell ill and was confined to my bed for ten days or more. Mr. Blaine, hearing of my impaired health, called at my residence to inquire, and, learning of my condition, wrote me a letter which, as displaying one of his characteristic traits, is worthy of insertion here: —

Department of State,
Washington, Dec. 5, 1891.

My dear Mr. Foster:

I had no idea that you were really very ill. I thought you were tired, as you well might be, and taking a little rest. There is no need of hurrying at all with the British islands affair. Take your time and get well, and remember that your health is infinitely more valuable than all the British islands together.

I have sent the cablegram to Venezuela in cipher, but I have little hopes that they will have sense enough to adopt your suggestions. I think they are bent on being the "awful example."

Take no trouble at all about official matters. No man can get well without dismissing everything of that kind from his head. If I were issuing an order I should say, "Mrs. Foster is authorized to enforce this order." Very truly yours,

J. G. Blaine.

Our negotiations with Germany under the reciprocity clause of the Tariff Act of 1890 were the most notable, if not the most important. For a number of years our commercial

intercourse with that country had been very unsatisfactory and at that time had reached a state of great irritation. The Agrarian Party, representing the German farmers, had induced the Government at Berlin to issue regulations under the guise of sanitary precautions, which had the effect practically to exclude American meat products from the German market, and its action had encouraged other European Governments to follow its example of exclusion.

American exporters of meats, representing very extensive agricultural interests in the Western States, had made vigorous protests to our Government, and the latter had sent strong representations to Berlin against the regulations. Some years before, Mr. Sargent, the American Minister, reported to the Department of State that "the pretense of sanitary reasons is becoming the thinnest veil . . . and is now apparently only insisted on as an excuse to the United States," and he proceeded further to expose the insincerity of the published motives of the Government. The Minister's dispatch, by some inadvertence of the Department, was published, and it brought down upon him the wrath of the German press, he became *persona non grata*, and had to retire. This incident added to the intensity of feeling in both countries.

The reciprocity clause of the Act of 1890 afforded an opportunity to overcome this ill feeling and to place the two countries upon better commercial relations. Germany at that time was a large exporter of beet-root sugar to the United States, and the imposition upon it of the duty authorized by the reciprocity clause would have brought serious consequences to an extensive agricultural industry of Germany. When it became apparent that the cane-sugar producing countries were coming into the reciprocity arrangement, the German Government began to evince a deep interest in the matter, and its Minister in Washington, Count von Arco Valley, put himself into communication with me, but before

the negotiations were fairly entered upon, he was called home to undergo a surgical operation which proved fatal, and his country lost in him a useful and able representative.

The negotiations were thenceforward conducted with me by Mr. A. von Mumm, the First Secretary of the Legation, a young man without much diplomatic experience, but very intelligent and thoroughly conscientious in his work. At the conclusion of our labors and when we were about to sign the protocol, he said to me that this was the first important task he had had to do and that he was anxious to make no mistake, and he felt that he, a young man with a future before him, could appeal to me, one of advanced years and experience, to protect him from any unwise action. Later he was gratified to receive the commendation of his Government for his work, and he has been steadily advanced to the highest posts in the diplomatic service.

The arrangement was concluded at Saratoga, where Mr. von Mumm and I met to adjust the unsettled details and sign the arrangement. It secured not only the removal of the restrictions on American meats in exchange for free sugar, but also the favored admission of a number of other agricultural products, and was hailed in our country as a great achievement in benefit of American commerce. A premature announcement of the success of the negotiations gave President Harrison much uneasiness and was the occasion of a letter from him to me while we were both absent from Washington, which I give to show his interest in the matter and his strict sense of justice in recognizing the services of his associates in the Government.

Cape May Point, N. J.,
Sept. 10, 1891.

Hon. John W. Foster,
Watertown, N. Y.

My dear General, — I was extremely mystified when I found that General Rusk [Secretary of Agriculture] had

talked about matters that I explained to him with great care were confidential. He came here himself, without any suggestion from me and directly from Chicago, to ask me on behalf of Swift and other packers there whether it would be safe for them to start a cargo of sugar-cured hams, etc., for German ports, in view of the fact that it would take several weeks to get it there. I felt that, as this matter directly touched his Department, it was proper for me to tell him that the agreement had been reached . . . but I told him how confidential the whole matter was; but he seems to have understood that when the announcement of the admission of our pork came from Germany the whole matter was open to comment.

I have written to Mr. Wharton to say to Mr. von Mumm that I was very much mortified at this mischance, and also that if he thought it desirable, a statement might go out either from the State Department or from you, to the effect that the reciprocity part of the negotiation had not been completed, and that there would be further correspondence before a conclusion would be reached, but that it was hoped some general result would be reached in view of the friendly attitude of Germany. This would be more nearly true than most diplomatic utterances and certainly than most newspaper interviews; indeed, it would be literally true, because we do not yet know the articles that are to be included and do not know the rates; and indeed, do not certainly know that the treaty of which we are to have the benefit will be completed.

I think I will hereafter try and play the sphinx a little myself. General Rusk, of course, acted in perfect good faith, but he was so full of enthusiasm at the success of the pork negotiations and so much afraid, I think, that Mr. Phelps [American Minister at Berlin] would carry off the glory of it, that he felt he must talk right away. I had Mr. Halford give out from here a statement which I thought was just to you —

that the negotiations had not been conducted here, but at Saratoga, and by you as the representative of this Government. I hope no great harm will come of it, but it will serve as a warning to me.

With kind regards, very sincerely yours,

BENJ. HARRISON.

The example of Germany was promptly followed by Austria-Hungary, a considerable exporter of beet-root sugar. Thus, the reciprocity measure had proved a success beyond even the expectations of its friends, and Secretary Blaine especially was greatly elated at the result.

An agreement for reciprocity was reached with the Executive Department of the French Government, but it was never ratified by the Chambers. Three other Governments — Venezuela, Colombia, and Hayti — declined to make any arrangement on the subject, and against them the President issued the proclamation authorized by the Act, imposing the duties prescribed on sugar, coffee, and hides imported from those countries into the United States.

The constitutionality of the legislation was assailed on the ground that it conferred legislative functions on the President, which could not be delegated by Congress. Several cases were appealed to the Supreme Court, and they were decided in favor of the validity of the Act.

The results of the reciprocity arrangements proved highly satisfactory during the period they were in force. The Committee of Ways and Means of the Fifty-fourth Congress, after a thorough investigation of the subject, reported that among the agricultural, manufacturing, and exporting interests, there was "a remarkable unanimity of sentiment expressed concerning the value and results of the reciprocity arrangements negotiated with certain countries and colonies under the authority of section 3 of the Tariff Act of 1890, and the disastrous effects of their repeal."

The convention of the Republican Party of 1892, which nominated President Harrison for reëlection, inserted in its platform of principles the following declaration: "We point to the success of the Republican policy of reciprocity, under which our export trade has vastly increased and new and enlarged markets have been opened for the products of our farms and workshops." The Democratic Party, while not directly antagonizing reciprocity in the campaign, vigorously attacked the general tariff and revenue policy of the Republican Administration, and the election of Mr. Cleveland for a second time brought about the repeal of the reciprocity provision, and with it all the treaties or agreements with other nations, which had been framed after so much labor and with so much care, came to an end.

While the repeal bill was pending in Congress, and also after its passage, a number of the Governments with which agreements had been made filed protests in the Department of State against this action, on the ground that their people had looked upon the agreements in the nature of treaties, had invested large sums in the development of sugar production, and that they would regard the legislation of Congress as an act of bad faith. This claim could not be maintained, as Congress was entirely free to enact the repeal, but it nevertheless created an unfriendly feeling in the interested countries.

The most pronounced of these protests came from Germany while the bill was pending, in which the Minister in Washington stated that the German agricultural and manufacturing circles entertained the belief above mentioned, and he said that "the Imperial Government is at present unable to say whether it will be possible for it, in view of the increasing agitation on account of the proposed measure, to restrain the interested parties from demanding retaliatory action." The repeal was followed by the renewal of the commercial warfare on the part of that Government, which has required the ut-

most prudence on the part of each succeeding Secretary of State to prevent from assuming most serious consequences.

One of the inconveniences of our republican form of government, with its recurring elections, is that it brings about sudden and radical changes of administration, so that it is difficult to maintain a uniform or permanent foreign commercial policy.

Four years later, in the election of 1896, the Republican Party was restored to power, the tariff act of the Democratic Congress was repealed, and a new tariff law was passed which contained provisions for reciprocity, but somewhat different from those of the Act of 1890. Sugar was again placed upon the dutiable list, and the chief basis upon which the negotiations of 1891 were carried on was thus taken away, as it was not included in the reciprocity list. A number of reciprocity treaties were negotiated under the new tariff law, but notwithstanding the hearty support of President McKinley the Senate, in most cases, declined to approve them and they did not go into effect.

This third failure to carry into successful operation a permanent system of reciprocity demonstrates that there are radical elements of opposition to it. Three of these may be cited. The Democratic Party has generally been arrayed against it, although it has received the hearty support of some prominent members of that party, such as Senator Morgan and ex-Mayor Hewitt. A considerable element in the Republican Party has not given it hearty support, because of the fear that it might injuriously affect some of the protected industries of the country.

The third influence against reciprocity is the contention that Congress should be left free to determine and regulate the fiscal and tariff policy of the country. This contention was clearly stated so long ago as 1843, when the reciprocity treaty with Germany was sent to the Senate for its approval. The Committee on Foreign Relations, through Mr. Rufus Choate,

in reporting adversely on the treaty, said: "In the judgment of the committee the legislature is the department of government by which commerce should be regulated and laws of revenue passed. The Constitution, in terms, communicates the power to regulate commerce and to impose duties to that department. It communicates it in terms to no other. Without engaging at all in an examination of the extent, limits, and objects of the power to make treaties, the committee believe that the general rule of our system is indisputable, that the control of trade and the functions of taxation belong, without abridgment or participation, to Congress."

It is a matter of curious interest to note that this view was directly antagonized by the then Secretary of State, John C. Calhoun, the famous strict constructionist of the Constitution. He said of the report: "If this be the true view of the treaty-making power, it may be truly said that its exercise has been one continued series of habitual and uninterrupted infringements of the Constitution. From the beginning and throughout the whole existence of the Federal Government, it has been exercised constantly on commerce, navigation, and other delegated powers, to the almost entire exclusion of the reserved, which, from their nature, rarely ever come in question between us and other nations. The treaty-making power has, indeed, been regarded to be so comprehensive as to embrace, with few exceptions, all questions that can possibly arise between us and other nations, and which can only be adjusted by their mutual consent, whether the subject-matter be comprised among the delegated or the reserved powers."

## CHAPTER XXVI

### THE BERING SEA ARBITRATION — HISTORY OF THE QUESTION

During 1890 and 1891, while my time was absorbed with the reciprocity negotiations, Secretary Blaine was largely engaged, first in negotiations with the British Minister and, afterwards, in an animated correspondence with Lord Salisbury over the questions of jurisdiction in Bering Sea and the protection of the fur-seals which have their habitat in that sea. The negotiations and correspondence finally resulted in an agreement to submit the questions at issue to arbitration. Just at this stage of the negotiations, Mr. Blaine fell ill and was incapacitated for active service for some months; and President Harrison asked me to take charge of the business.

Mr. Blaine had already agreed upon and signed with Sir Julian Pauncefote a draft of the questions to be submitted to arbitration. My task was to frame a treaty embodying these questions and making provision for the arbitration, negotiate a *modus vivendi* as to the seal herd pending the arbitration, and to prepare the case of the United States before the Tribunal of Arbitration.

The acquisition of Alaska from Russia in 1867 brought upon us not only the bitter controversy with Great Britain respecting the fur-seals, but also that other animated controversy relative to the Alaskan boundary. We learn from the declarations of Secretary Seward, who negotiated the acquisition, of Senator Sumner, who procured its ratification by the Senate, and of Mr. C. M. Clay, our Minister in St. Petersburg at the time, that the motive of both the United States and Russia in the transfer of the territory was to check the growing power of Great Britain on the continent of North

America. It is a curious fact that out of this transfer grew the two controversies of this generation which arrayed the two English-speaking nations in a hostile attitude to each other, but which happily were adjusted by peaceful methods.

At the time of the cession the best-known and chief products of Alaska were furs, and of these by far the most valuable were those obtained from the fur-seal herd of the Pribiloff Islands, a group of small islands in Bering Sea. Under the Russian régime the care of the herd and the taking and marketing of the skins had been reduced to a system of great perfection, acquired by many years of experience and observation.

One hundred and fifty years ago the fur-seals, one of the most valuable of all fur-bearing animals, were the most widely distributed throughout the world and most numerous of that species of animals. Besides those in Bering Sea, they were found on the islands along the coast of Mexico, South America, in the Antarctic seas, along the coast of Africa, the Indian Ocean, Australasia, and the northern coast of Asia. In some of these localities they were reported, when discovered, as swarming on the shores, and numbering in places several millions.

Towards the close of the eighteenth and for some time in the nineteenth century sailing-vessels engaged in the taking of the skins of the seals; and as at that early period after the discovery of those regions no governmental authority was exercised for their protection, the seals were slaughtered on land indiscriminately and in great numbers. In no part of the world was protection extended to those valuable animals except by Russia in the North Pacific Ocean, and in a few decades they were utterly destroyed for commercial purposes in all other regions. Only in the Commander Islands on the Russian side of Bering Sea and in the Pribiloff Islands did they continue to exist in any considerable numbers.

When the Pribiloff Islands, called by the Russians "the

golden islands," because of their fruitful yield of furs, passed into the possession of the United States, the same system of protection and husbanding of this industry was adopted which had been so successfully followed by the Russians. No seals were allowed to be killed in the water, but only on the land, and then only at a specially appointed season of the year. No female seals were ever killed, but as they were polygamous in their habits a considerable number of the males of suitable age could be taken without diminishing the number of newborn seals or materially reducing the size of the herd.

For some years before the cession of Alaska the Russians were able to take approximately one hundred thousand skins annually from the Pribiloff Islands, and after the cession, up to the year 1890 under the American régime, the annual yield was about the same. For the same period the value of the skins taken by the American lessees was estimated to have been $31,000,000, and the receipts of the Government of the United States from the lease and duties $12,000,000.

During the entire Russian régime the Pribiloff Islands were carefully guarded, no intercourse was permitted except by authorized persons, whaling and other vessels were excluded from the adjoining waters, and the seal-herd was exempt from attack even during its annual migration into southern waters. The same conditions continued during the first ten years of the American occupation.

But about the year 1880 Canadian and some American vessels began to attack the herd in the sea as it passed up the American coast on its way to the Pribiloff Islands, and to kill the seals for their skins. Yearly the sealing-vessels increased in numbers, and in 1885 they entered Bering Sea in pursuit of the herd, followed the seals up to the Pribiloff Islands, remained in that sea during the summer, and continued their slaughter when the seals temporarily left the islands in search of fish-food upon which they subsisted. The practice of hunt-

ing the seals in the water, termed pelagic sealing, tended to the extermination of the herd, first, because the taking of the seals in that manner was necessarily indiscriminate, the old and young, males and females, being killed; and, second, because only a portion of the seals killed or wounded were secured, the others sinking and being lost.

The effect of pelagic sealing began to manifest itself in 1885 in a marked diminution of the herd on the Pribiloff Islands, and each succeeding year the effect was more and more apparent. The sealing industry on those islands was conducted by a company, known as the Alaska Commercial Company, under a lease from the United States, and the steady decrease of the herd alarmed the company, as it threatened seriously to affect its profits and its ability to pay the Government tax under the lease. Hence it appealed to the Government of the United States to exercise its authority to protect the industry and preserve the herd from destruction.

Accordingly in 1886 a few vessels were seized by the United States revenue cutters, and in 1887 a still larger number, the majority of them being Canadian. They were taken into Sitka and there condemned by the United States Court, with their cargoes of skins, and sold. All these seizures were made on the high seas more than one marine league from shore. The ground of the condemnation by the court was that pelagic sealing was a violation of the Act of Congress which made unlawful the killing of "fur-seals, or other fur-bearing animal, within the limits of said territory [Alaska], or in the waters thereof."

In answer to the objection of the Queen's Counsel, who appeared for the Canadian vessels, that the vessels when seized were on the high seas and beyond the jurisdiction of the United States, the court held that all the waters of Bering Sea were within the jurisdiction of the United States. The judge based his decision upon the fact that in the treaty of cession the western boundary of the territory and dominion

of the United States was fixed at the one hundred and ninety-third degree of west longitude; that Senator Sumner, in his speech at the time of the approval of the treaty, referred to the waters east of that line as "our part of Bering Sea," thus indicating the understanding of the negotiators; and that Congress in its legislation had so treated the matter by extending jurisdiction over it. The judge further stated as a historical fact that Russia had exercised exclusive jurisdiction over Bering Sea, had protected the seals in those waters by rigorous laws, in which Great Britain had acquiesced, and that the United States succeeded to all the rights theretofore enjoyed by Russia.

These seizures led to strong protests on the part of the British Government and the presentation of claims for damages, followed by a diplomatic correspondence, in which Secretary Bayard, without discussing or yielding the grounds upon which the seizures had been made, proposed an international arrangement for the protection of the seals from extermination. Mr. E. J. Phelps, our Minister in London, also conducted negotiations, in which an agreement was practically reached with the British Government, but failed because of the protest of Canada.

The presidential election of 1888 brought the Republican Party back into power, and Secretary Blaine was confronted with this unsettled diplomatic question. The negotiations were transferred from London to Washington, and a series of conferences took place in 1889, between Mr. Blaine, Sir Julian Pauncefote, and M. (afterwards Baron) Rosen, the Russian representative, with a view to reaching a comprehensive arrangement for the protection of the Russian and American herds, the only remaining ones of any importance in the world.

It soon became apparent that no satisfactory agreement could be reached with Great Britain, and Mr. Blaine then sought to enlist the Russian Government in a plan which he

felt would secure the protection of the seals. His proposition was that the United States and Russia should unite in a proclamation to the world that, in order to save the seals of Bering Sea from extermination, the two Governments forbade the killing of the animals in those waters, and that they would prevent the practice by force, if necessary. Mr. Blaine claimed that the issuance of the proclamation of itself would effect the desired object. The same position was taken by Mr. Phelps in a dispatch to the Secretary of State after his fruitless negotiations at London. It is understood that Mr. Blaine's proposition was forwarded by the Russian representative with his approval, but no reply was received from that Government.

The negotiations for a settlement, which extended through three years, having failed, and the British Government still pressing its protest against the seizures and its claim for damages, Mr. Blaine entered with Lord Salisbury upon an epistolary discussion of the questions involved, in which the former sought with all his recognized polemic skill to defend the action of the Treasury Department in ordering the seizures, and to sustain the correctness in international law of the action of the judicial authorities in the condemnation of the vessels engaged in pelagic sealing. In no part of that statesman's career did his devotion to his country more conspicuously rise above partisanship than in that correspondence. It is doubtful if any other living American could have made a more brilliant defense of his Government, and the fallacies which exist in his argument are due to the false assertion of historical facts and erroneous judicial decisions put forth during the preceding Administration of our Government.

When the case of the United States came to be prepared for the Arbitration Tribunal, it was found that the allegations that Russia treated Bering Sea as closed to foreign commerce (*mare clausum*), that it issued and enforced rules prohibiting

the taking of seals in the water, and that Great Britain had acquiesced in this action of Russia, were unsustained by any authentic documents or historical facts. This was an astounding revelation. It showed that Mr. Blaine's brilliant discussion and one of the important contentions of our Government submitted to the arbitration were without foundation. How this came about was explained to me later.

In 1895, two years after the award of the Tribunal had been reached, I contributed an article to one of our magazines defending the Administration of President Harrison from the charge that it was responsible for the failure to maintain our cause in the arbitration, in which I showed that the seizure and condemnation of vessels and the questions involved in that matter had their origin in the preceding Cleveland Administration, and that President Harrison was merely carrying out the policy of his predecessor.

Soon after the publication of the article an official of the Cleveland Administration, thoroughly informed as to the affairs of the Department of State, a personal friend of mine, called upon me and said that having read the article he thought he ought to give me information of certain facts. He said that the letter of the Secretary of the Treasury, which was construed into an instruction to the revenue cutters to seize vessels in Bering Sea engaged in pelagic sealing, was understood by him to be the usual instructions issued annually by his department; that he never intended to order the seizure; that the subject was never considered by the Secretary of the Treasury, the Secretary of State, the Attorney-General, or the President; that the seizures were made without any other instructions than those above mentioned, and that they were brought about through the influence of the Alaska Commercial Company (the lessees of the Pribiloff Islands), which maintained constantly in Washington an agent more distinguished as a lobbyist than learned as a lawyer.

This official further said that when the seized vessels were brought to Sitka the legal proceedings were instituted without instructions from or the knowledge of the Attorney-General; that a brief was prepared by the lessees' agent in Washington making assertion of the action of Russia and arguing the questions of international law on that basis; that this brief was sent through the agent of the company to Sitka and delivered by him to the district attorney, and that the brief was followed by the judge in his decision; that when the suits at Sitka came to the knowledge of the Attorney-General, he sent a telegram ordering their dismissal and the release of the vessels, but as it was not confirmed (as is usual) by letter, it was treated as spurious and not observed. My informant concluded by saying that the legal aspects of the seizures were never considered or indorsed by either the Attorney-General or Secretary Bayard.

This was a strange story, but I had no doubt of its correctness. It revealed the fact that a great Government might be betrayed into a line of policy through the machinations of a private corporation, influenced by pecuniary motives, which put in peril its relations with a powerful neighbor and subjected it to the condemnation of an international tribunal for conduct taken unadvisedly and unwisely. It is not the only instance, however, where the Government of the United States has been influenced unwittingly in its conduct or policy by personal or pecuniary interests.

While the United States was unable successfully to maintain its contention as to jurisdictional rights over Bering Sea, in the second part of its contention it stood upon much stronger ground. This was, first, that it had such a property in the Pribiloff seal-herd and interest in the industry as entitled it to preserve the herd from destruction by force if necessary.

Investigation and many years of observation had shown that the seal-herd which resorted to the Pribiloff Islands

never visited or touched any other land, nor mingled with any other herd; that they spent more than half the year on those islands; that they brought forth their young on those islands, never in the water; that the young remained on land for several weeks before entering the water; that those islands were not only necessary to their existence, but that solely through their protection there had they been saved from the destruction of the fur-seals of other parts of the world; and that only on the land could they be properly taken for commercial purposes. Hence it was contended that the United States had such a property and interest in the herd as entitled it to be protected in the water as well as on the land.

Unfortunately this contention was not made prominent in the negotiations or discussion, and was only alluded to by Mr. Blaine just as his correspondence with Lord Salisbury closed. The right of property in the seals was first advanced by General B. F. Tracy, a member of President Harrison's Cabinet, an able lawyer, who prepared an exhaustive paper on the subject (afterwards published) which constituted the basis of the contention of the United States before the Tribunal of Arbitration. Had the American authorities based their action in the seizures and during the negotiations and correspondence on the right of property in the seals and in the industry, they would have been much stronger before the Tribunal and might have gained their case.

The British contention was, in brief, that the fur-seals were wild animals (*feræ naturæ*) in which there could be no property; that the United States could exercise no jurisdiction over them in the waters beyond the three-mile limit; and that when on the high seas they were subject to be taken by any one.

The Canadian interest in the sealing industry was a small one, being confined to the single port of Victoria, in British Columbia, the value of the vessels engaged in pelagic sealing

never having exceeded two hundred and fifty thousand dollars, and the number of men employed was comparatively small. But the Canadian Government has been very strenuous in maintaining the right of the British Columbian sealers, and this influence has been sufficiently strong to control the action of the British Government.

President Harrison was criticised for allowing the questions involved to be submitted to arbitration. The correspondence between Mr. Blaine and Lord Salisbury showed the two Governments in hopeless disagreement. Three courses were open to President Harrison, and one of them had to be taken without delay.

First, he could abandon the claims of jurisdiction for the protection of the seals beyond the three-mile limit, recede from the action of his predecessor as to seizure of British vessels, and pay the damages claimed therefor. Such a course would have met with the general disapproval of the nation.

Second, he could have rejected the arguments and protests of the British Government, and continued the policy initiated by his predecessor in the seizure of British vessels engaged in pelagic sealing in Bering Sea. But this course had already been proposed by our Minister in London (Mr. Phelps) to President Cleveland and was not approved by him. In view of the state of public sentiment, with a prevailing opinion in a large part of the press and with public men that the attitude of the Government was legally unsound, and that the interests involved did not justify the hazard of war between the two English-speaking nations, the adoption of this second course would have been the height of madness.

Third, the only remaining course was arbitration. President Harrison and his Cabinet advisers felt that if we could commit to an international tribunal the far greater interests and principles involved in the *Alabama* claims, it would be the part of wisdom to adopt the same course as to the pending

questions of difference. The sober judgment of the country confirmed his action. But there were even within his own party those who criticised this course. It will be of interest to quote from a letter received by me when the wisdom of the arbitration was being discussed. The Honorable Theodore Roosevelt, then Police Commissioner of New York City, in 1895 published an article in which President Harrison was criticised for his action in this matter. In that article he used this language: "The one failure of President Harrison's Administration [in foreign affairs] was in the Bering Sea case. . . . We ought never to have agreed to an arbitration. . . . It is not a page of American diplomacy upon which we can look back with pride; but it offers a most hopeful lesson. It should teach us to beware, beyond all others, of peace-at-any-price men. It should teach us to be exceedingly cautious about entering into any arbitration."

In a personal letter to Mr. Roosevelt I sought to defend President Harrison's course, and the following is the reply: —

New York, Nov. 12, 1895.

Hon. John W. Foster,
Washington, D. C.

My dear Sir, — I am very much pleased that you should have read my article. My main purpose in telling about the Behring Sea Arbitration was to try to show some of our people that arbitration might be a very poor thing indeed. I always agreed with Secretary Tracy about that arbitration; once in it, our people did the best they could; but I don't believe we ought to have had the arbitration. . . .

Faithfully yours,
Theodore Roosevelt.

The foregoing was not the general sentiment of the country at the time, as is shown by the approval by the Senate without opposition of the arbitration treaty. Neither was it cor-

rect to intimate that Secretary Tracy opposed the arbitration. He did not feel that at the beginning we had planted ourselves on the defensible ground of a property right in the seals, and he stoutly maintained that Great Britain should have yielded to our contention; but he agreed with the other members of the Cabinet in advising the arbitration under the circumstances in which the Government was placed, and this he clearly indicated in the conclusion of his published article already cited.

The writer of the foregoing letter, who later gained the Nobel Prize for his distinguished services in the cause of peace, must have revised his own judgment, for we find that in his annual message, as President, to Congress December 3, 1907, he states that he had instructed the American delegates to the Second Peace Conference at The Hague "to favor an agreement for obligatory arbitration"; and in commending the resolution of the Conference to that end, he said: "The great majority of the countries of the world have reached a point where they are now ready to apply practically the principles thus unanimously agreed upon by the Conference." Manifestly, since 1895 the world has moved forward toward peaceful methods of adjusting international disputes, and Theodore Roosevelt has kept pace with it.

## CHAPTER XXVII

### THE BERING SEA ARBITRATION — PROCEEDINGS AND DECISION

It is not my purpose at this time to give a detailed statement of the arbitration of the fur-seal questions. Students of the subject and others will find in the voluminous government publication, "The Fur-Seal Arbitration, Washington, 1895," full official information on the subject. My present object is to give such facts and comments as are not readily found in that publication.

The Tribunal, in accordance with the terms of the treaty, was to be composed of seven judges, two to be chosen by each of the contending Governments, and one each by the President of the French Republic, the King of Italy, and the King of Sweden and Norway. President Harrison selected as the American judges, Justice John M. Harlan, the senior member of the Supreme Court of the United States, a man of the highest legal attainments; and Senator John T. Morgan, senior member of the Committee on Foreign Relations of the Senate, also a lawyer of eminence. These selections met with the general approval of the country.

A provision of the treaty was that the foreign Powers which were to name judges should "be requested to choose, if possible, jurists who are acquainted with the English language." This provision was the occasion of an incident which illustrates the pride with which French statesmen regard their own language, and which temporarily caused much uneasiness to President Harrison and those of us connected with the arbitration. Soon after the treaty was ratified and published, in a call which Mr. Vignaud, the American Chargé in Paris, made upon M. Ribot, Minister of Foreign Affairs, the latter,

introducing the subject, inquired whether it was true that the treaty provided that the proceedings were to be conducted in English. Mr. Vignaud replied that that was his understanding, though he had not seen the text of the treaty. M. Ribot remarked that "this was a singular condition to be attached to an instrument of this kind, as French was still considered to be the diplomatic language of the world." Mr. Vignaud intimated that the United States would be placed at a great disadvantage were the proceedings of the Court to be conducted in French, as England could easily find among her eminent jurists men speaking French fluently, whereas this was not the case with the United States; and that it should also be taken into consideration that the two nations concerned were both English-speaking nations. Without making any direct reply to this remark, M. Ribot repeated, with a smile, that it "was singular (*bizarre*) to designate Paris as the place of meeting of a court on which a French judge was to sit, and to ask that judge to render his decision in a foreign language."

In the dispatch sent to Mr. Vignaud, in reply to his report of this interview, he was informed that the President could not refrain from an expression of surprise at the character of M. Ribot's comments. In selecting Paris as the place of meeting of the Tribunal, it was supposed that this act would be interpreted as a mark of confidence in the impartiality and hospitality of the French Government and people, and that no obstacle would there be interposed to the free and convenient dispatch of the business intrusted to the Tribunal. M. Ribot could hardly be unmindful of the fact that the litigant powers are of the same race and use a common language; that the questions involved depended largely upon domestic laws and the application of the common or English law; that the testimony presented would be almost exclusively in the English language; that the American arbitrators and counsel would almost necessarily be persons not proficient in the

French language; that in view of these facts the propriety of the treaty provision was apparent; and that the selection of arbitrators acquainted with the English language was of vital importance. Mr. Vignaud was authorized, however, to say to M. Ribot that the treaty did not preclude any of the foreign members of the Tribunal from rendering his decision in his own or other language, and that the Tribunal would have the power to make such rules as it saw fit for its procedure.

It was felt at Washington that rather than yield to M. Ribot's intimation, it would be better to excuse the French Government from selecting a judge; but no such action proved necessary. M. Ribot had apparently accomplished his purpose in showing his attachment to French as the language of diplomacy, and he was not disposed to press the point. He probably remembered that some years previously, when persistence was shown that French should be used in diplomatic correspondence, it had brought forth the remark from Bismarck that he would find means which would make a dispatch written in the German language intelligible in Paris.

In due time the American and British Governments united in a request to the foreign Powers named in the treaty to select their representatives on the Tribunal. The French Government named Baron de Courcel, who spoke and wrote English with fluency and accuracy. He was an accomplished gentleman, who had held various posts in his own country, and abroad, and had recently held the important position of Ambassador to Germany.

The Italian Government selected as its member the Marquis Visconti-Venosta, one of the most distinguished of its statesmen. He was the nephew of Cavour, and more than any other person was that great man's political heir and successor. He has directed the policy of his Government at several critical periods in its history as Prime Minister, and although quite advanced in years his last service was at the Morocco

PARIS ARBITRATION TRIBUNAL

Conference at Algeciras in 1905, where he played a conspicuous part. The member from Sweden and Norway was Mr. Gregers Gram, a lawyer and judge of distinction in his own country. After the arbitration he was Prime Minister of his Government, but since the separation of Norway he has not taken an active part in public affairs.

The counsel of the United States were men of the highest standing in their profession, and in an eminent degree possessed the confidence of the country. Edward J. Phelps, the senior counsel, was chosen immediately after the arbitration was determined upon and before the treaty was drafted. He had been our Minister at London during President Cleveland's Administration, had conducted the fur-seal negotiations there, and had consequently given considerable attention to the question. He was a lawyer of such attainments that Mr. Cleveland had considered him a fit person for the high post of Chief Justice of the Supreme Court, vacant at the time, but it is understood that, owing to the objection of naturalized Irish citizens because of his treatment of the Fenian question when Minister in London, the President desisted from his nomination.

At the request of Mr. Phelps, James C. Carter of New York City was selected by the President as associate counsel. Mr. Carter had been recognized for some years as the leader of the American Bar. He brought into the case some very necessary qualities for its conduct which fitly supplemented the legal attainments of Mr. Phelps. While the latter was a good speaker and possessed a large grasp of political questions, Mr. Carter was a more deeply read lawyer, a closer reasoner, and could more clearly elucidate an abstract legal principle. Besides, he proved during the progress of the case a safer counselor, as Mr. Phelps was of an impetuous temperament and inclined to reach his conclusions hastily.

The third counsel selected was Judge Henry M. Blodgett, of the United States District Court. He had been long on the

bench and had established a high reputation for judicial fairness and legal acumen. He had reached the age when he could retire under the law, and it was suggested that it would be a worthy compliment and recognition of his long service to give him an appointment as counsel in the arbitration. I was delegated by the President to go to Chicago and obtain his consent to accept the new honor. He frankly told me he did not feel fitted for the unusual duties, and asked me to excuse him to the President; but later, through the persuasion of friends, he was induced to accept. His health became impaired and he was not able to render much service in the case.

An incident attending the employment of counsel developed Mr. Blaine's political animosity. A lawyer of New York, able but somewhat eccentric, had at Mr. Phelps's request been sent by me to Europe early in the preparation of the case to secure certain evidence. He had returned after the successful accomplishment of his mission, and Mr. Phelps strongly urged his permanent appointment as counsel. I referred the matter to Mr. Blaine, and he objected. Mr. Phelps, however, persisted, wrote a long letter to Mr. Blaine on the subject, and had a conference with the President. The latter advised Mr. Blaine to withdraw his objection, but he sent the President a telegram of such a positive character as led him to acquiesce in Mr. Blaine's refusal, and the attorney was not appointed. It turned out that as a Republican "mugwump" he had opposed Mr. Blaine's election in his presidential campaign and used some sharp language in his opposition.

After the case and counter-case of the two Governments had been exchanged and on the eve of the meeting of the Tribunal, Mr. Phelps expressed to me a desire to have Frederic R. Coudert, a prominent member of the New York City Bar, appointed a counsel in the case. Mr. Coudert was of French parentage, spoke the language fluently, had close relations

with Parisian lawyers, and it was felt by Mr. Phelps that he would be able materially to aid our case by his presence in Paris. Messrs. Phelps and Carter both being Democrats and Mr. Coudert an active member of that party, I expressed to Mr. Phelps a doubt of President Harrison's willingness to appoint him. It was then within a month of the inauguration of Mr. Cleveland for his second term, and Mr. Phelps decided not to ask for any action by the outgoing President, but Mr. Coudert assisted in the preparation of the printed argument, and likewise took part in the oral argument before the Tribunal.

In the appointment of the American members of the Tribunal and the selection of counsel, President Harrison showed the same freedom from partisan bias as in his other judicial acts. Senator Morgan, one of the members of the Tribunal and a leading Democrat, commenting on the subject some time after the final adjournment of the Tribunal, wrote: "Our party was and is responsible for using the means that were employed both for the raising and settlement of these questions, and it was a just measure of responsibility that Mr. Harrison devolved upon us, when, out of a body of arbitrators and counsel and Mr. Secretary Foster, the agent, selected by him — seven in all — he selected four Democrats and three Republicans." As to the manner in which these gentlemen discharged their trust, we have the following testimony of Mr. Justice Harlan, in a public address: "I may say that no Government was ever represented upon any occasion where its interests were involved with more fidelity, with more industry, and with greater ability than was the United States by its agent and counsel."

As soon as the treaty was signed and before its approval by the Senate, I entered upon my duty as agent of the United States and began as industriously as possible the preparation of our "case," the term applied to the statement which the Government submits to the Tribunal, setting forth its view

of the questions to be decided, with such citation of facts and historical data as tended to support such view; and to this statement are attached the documents and evidence adduced to maintain the same. While I was in the midst of this labor, Mr. Blaine retired from his post as Secretary of State, and I was tendered the vacant place by the President. It at once raised the question as to who was to continue the preparation of our case for the arbitration as agent. On the day my appointment as Secretary was announced, Mr. Phelps wrote me from his home in Vermont as follows: "I congratulate you and the country on your appointment as Secretary of State. But I am in despair as to its effect in depriving us of your services as agent in the Bering Sea matter. It is very late to initiate a new man, nor are there many men fit for it, or with whom I could hope to get on pleasantly."

Mr. Carter promptly wrote me to the same effect and deprecated any change in the agency; and upon consultation of counsel with the President, it was decided that I should continue in the work of preparing the case for arbitration, while discharging the duties of Secretary of State. This imposed on me very arduous labors, as Mr. Blaine's illness had caused an accumulation of business in the Department; but I had very competent assistance on the part of the junior counsel in the arbitration, Messrs. Robert Lansing and William Williams, and by night work we were able to complete the case and deliver it to the British Government and the members of the Tribunal within the time fixed by the treaty.

When the British case was received, it raised a serious question, which for a time seemed to put the whole arbitration in peril. Its examination revealed the fact that it did not discuss the claim of the United States to a property interest in the seals, or the regulations which it might be found necessary for the Tribunal to prescribe for the protection of the herd; nor did it submit any evidence on those branches of the arbitration. The counsel and agent of the United

States had come to feel that those two phases of the arbitration would prove the most important questions to be decided by the Tribunal.

This omission in the British case appeared to them to point to one of two conclusions on the part of the British Government. First, it had decided to withhold its discussion and evidence on these matters until the counter-case, which would afford the United States no opportunity to reply to or rebut it; or, second, if it was found necessary to prescribe regulations, that further opportunity would be given to the parties to prepare and present evidence on this matter.

In either event the United States would be placed at a great disadvantage, as it had taken up and discussed both of these questions at length and had submitted voluminous evidence in support of its contentions. Mr. Phelps, who had opposed arbitration in the Cleveland Administration, favored giving notice to the Government of Great Britain that the case presented by it was not a compliance with the treaty, and that unless the defect was remedied without delay the arbitration should not proceed. Mr. Carter, on the other hand, held that it would be better to address a note to that Government, making no threat, but setting forth the view of the United States as to the character of the case required by the treaty, pointing out the defect of the British case, and expressing the belief that the Government would not sanction the conduct of its representatives in the preparation of its case, but would promptly correct the omission which the President had noticed with surprise and extreme regret.

Mr. Carter's view was accepted by the President, and I, as Secretary of State, addressed a note to the British Government in that sense. Upon receipt of my note in London a reply was promptly cabled through its Legation, in which a defense was made of the action of the British agent in the case as presented, but in order to meet our views it was pro-

posed to submit without delay the report of the British commission and accompanying evidence as to seal-life, as the complete statement and testimony it had to offer on the subject. It was also proposed to extend the time for the counter-case, if we deemed it desirable in order to obtain rebutting evidence. This method of complying with our views was accepted, without further extension of time, and the preparations for the arbitration went smoothly on to the close without further friction between the litigant parties.

A strange incident occurred during these preparations which gave me no little concern and much embarrassment. There existed in the library of the Department of State a large mass of the archives of the Russian Government of Alaska, which had been delivered at the time of the transfer of the territory. No tabulation or translation of them had been made, but it was believed that if thoroughly examined documentary evidence of an important character might be found to support the assertion that Russia had exercised exclusive jurisdiction in Bering Sea for the protection of the seals.

I encountered much difficulty in securing the services of a competent translator, as there were few persons in the country acquainted with the Russian language. But finally one Ivan Petroff was engaged, a native Russian and an intelligent scholar, who seemed well fitted for the task. The result of his labors among these archives was the production of a number of documents, the translation of which as presented by Petroff was strongly confirmatory of the alleged Russian exercise of exclusive jurisdiction in Bering Sea for the protection of the seals.

Photographic copies in facsimile of these documents and the translations were produced in the case of the United States, and considerable importance was given them. Some weeks after the case was presented, a clerk in the library of the Department of State, Mr. William C. Mayo, informed me

that he feared some of these documents were not correctly translated. Mr. Mayo was an accomplished linguist, but had only a book knowledge of Russian. As a pastime merely he had been reading over some of these documents and comparing the translations, and in this way detected the incorrectness of the latter. A thorough examination resulted in the discovery that in every one of the documents seeming to sustain our contention, Petroff had designedly interpolated the language in the English translations. Happily, however, he had not tampered with the Russian text of the original documents which were correctly reproduced in the facsimiles, and the fraud was thus easily detected.

I at once brought Petroff before me in the presence of witnesses, and confronted him with his fraud. He quietly acknowledged his guilt, and did not deign to give any explanation of or excuse for his conduct. Before he began his labors I had explained to him the character of our contention, and it is supposed he made the interpolations in order that I might be the better pleased with his work. I immediately asked the British Chargé to come to the Department, and explained to him the imposition practiced on me, and also in a letter gave the details of it to the British agent; and as soon as possible he was furnished with specifications of the false translations and with revised translations. This act of perfidy would have given me more annoyance, if I had not shown my good faith in publishing the facsimiles, and made such timely discovery of the imposition.

The assembling of the Tribunal was to take place only a few days before the inauguration of Mr. Cleveland for his second term. Messrs. Phelps and Carter urged me to continue as agent of the United States and Mr. Gresham, who had been selected by Mr. Cleveland as his Secretary of State, likewise requested me to do so. President Harrison, having expressed the opinion that I could not properly at that stage of the arbitration turn the duties over to a new man, I tendered

my resignation as Secretary of State eight days before his administration closed, and sailed for Paris, via London.

We crossed on one of the new steamers of the American line recently subsidized by our Government, and which for the first time established its landing-place at Southampton. The authorities of this port made the arrival of our steamer a gala day, and His Worshipful the Mayor and his Council in full regalia met our ship at the dock, when speeches were exchanged amid the booming of cannon and a great display of bunting. This was followed a few days later by a banquet on the ship, attended by local and London officials, and at which speeches were made by the American Minister, myself, and others, lauding the new enterprise and the port. It was thought the event was the harbinger of a new and better era in the American foreign shipping trade. But, alas, that was the apogee of the American line, as it has built no new ships, and those in commission have passed into a combination no longer American.

The few days we spent in London were very busy ones, visiting old friends and making the acquaintance of new ones. Among the latter was that brilliant statesman, speaker, and author, Secretary of State for Foreign Affairs, and Prime Minister, Lord Rosebery, who gave a private dinner in my honor at his London residence. I found him very agreeable and entertaining, and was afforded the opportunity of meeting a number of his personal friends in and out of the Government. He has great versatility of talent, but his independence of party ties and his sometimes erratic views have stood in the way of his greater usefulness to his country.

On our arrival in Paris we met our British colleagues. The British agent was Charles H. Tupper, a member of the Canadian Cabinet, a good lawyer and a very alert politician, the son of Sir Charles Tupper, who was for several years the leader of the Conservative party of Canada and Prime Minister.

The senior British counsel was Sir Charles Russell, Attorney-General of England, a prominent member of the British Bar, specially noted as a criminal lawyer, and best known to the American public as the counsel for Mrs. Maybrick. He was a man of forceful character and somewhat aggressive in argument, but he entertained high ideals for his profession and got along very well with his American antagonists. He had some peculiarities, among which was his adherence to the old habit of snuff-taking, and he was a great collector of snuff-boxes. His sneeze often echoed through the tribunal chamber, accompanied by the flourish of a huge red bandanna handkerchief which he carried. He was very much of a sportsman, and at the *Grand Prix*, in his eagerness to see the race to the best advantage, he transgressed the rules and was arrested by the police. He spoke French indifferently, and was only extricated when some of the junior members of the British staff arrived and explained to the police his official character. Soon after the arbitration he was made Chief Justice of England, with the title of Lord Russell of Killowen, and while holding that high post visited the United States on the invitation of the American Bar Association, and delivered before it a speech advocating arbitration, which attracted general attention.

His associate at the Paris Arbitration was Sir Richard E. Webster, formerly Attorney-General of England, one of the leaders of the English Bar, and having the reputation of enjoying the most lucrative practice of any of his profession in London. He was of an opposite temperament from Sir Charles, very suave in manner, and conciliatory in argument. The two men belonged to different parties, but by an opportune change of government Sir Richard succeeded to the Lord Chief Justiceship upon the death of Lord Russell, with the title of Baron Alverstone, and as such he later presided over the Alaskan Boundary Tribunal in 1903.

The third British counsel was Mr. Christopher Robinson,

Queen's Counsel of Toronto, Canada, a lawyer of fine ability and high character, who made one of the most cogent and able of the arguments delivered before the Tribunal.

The Tribunal met in full session on March 23, 1893, and chose Baron de Courcel, the French member, its president. It was decided that the proceedings of the Tribunal should be conducted in the English language, but that a protocol of each day's session should be prepared in French accompanied by an English version. The final award of the Tribunal was likewise rendered in French, with an English version, both of which were signed by the arbitrators.

The Tribunal held sessions of four hours each during four days of the week, Saturday, Sunday, and Monday not being occupied. From March 23 to April 7 the time was occupied by the Tribunal in hearing motions and argument as to the admission of certain evidence.

The oral argument of counsel on the questions to be arbitrated began April 12 and continued, with a recess of one week, up to July 8. The opening and close was conceded to the United States. Mr. Carter spoke for eight days, Sir Charles Russell for fifteen days, Sir Richard Webster for ten days, Mr. Phelps for eleven days, and Messrs. Coudert and Robinson for briefer periods. To the general public, who were admitted to the sessions by card, the argument was tedious and uninteresting; but to those connected with the arbitration and to lawyers informed as to the issues, it was full of interest. It was a contest of forensic talent by the foremost lawyers of the English-speaking world, and such a contest as had never before been seen, as the oral argument before the Geneva Tribunal was very brief and only on special questions suggested by the Tribunal.

The query of M. Ribot as to the use of French in the Tribunal was the single untoward incident of the arbitration at Paris. The kaleidoscopic character of French politics had occasioned a change of Ministry, and a new Secretary was in

charge of the Foreign Office. Everything possible for the comfort and entertainment of the members of the Tribunal and all connected with it was done by the French Government. The spacious and elegant diplomatic apartments attached to the Foreign Office were fitted up and placed at their disposal. A sumptuous lunch in the best Parisian style was served at each session in an adjoining room. The President of the Republic gave the members of the arbitration a banquet and Madame Carnot a garden-party, to which the ladies accompanying the members were invited, as also the Diplomatic Corps and official society. Minister Develle entertained the members and the ladies at a dinner at the Foreign Office; likewise other Ministers of the Government.

There were also a number of elaborate entertainments given by the American and British agents and counsel to the members of the Tribunal, the officials of the French Government, and reciprocally to each other. The British Ambassador and the American Minister, as well as the resident American and British society of the gay Capital, were assiduous in their courtesies. Lord Dufferin, the British Ambassador, who had been my colleague at St. Petersburg twelve years before, was to me the same hospitable and agreeable host, the lapse of years not having chilled the warmth of his welcome nor his zest for society.

Our American party connected with the arbitration, the counsel and agency staff, with our wives, were quartered at the large Continental Hotel, and constituted a merry company. At the same hotel for a time was the widow of Napoleon III. Mrs. Foster, in one of her family letters, thus refers to her: "The ex-Empress Eugénie is at our hotel and has a suite of rooms near us. We met her last night as we were going out to dinner, and she bowed to us as we stopped to allow her to pass. She is a queenly-looking woman, tall and stately, dressed in deep black, and with gray hair. I cannot understand why she returns to Paris, as it must be full of the

saddest memories for her; she who was so courted and flattered by the French people when she was Napoleon's wife, and now 'none so poor to do her reverence.' She lost her all when her son was killed in Africa, and she can have no hope of ever returning to reign."

During these gayeties, and while the oral argument before the Tribunal was dragging on to a close, an unexpected event occurred which had a most damaging effect upon the American case. While the preparations for the arbitration were in progress and before the assembling of the Tribunal our Government had received repeated assurances from the Russian Government that it regarded the interests of the two Governments as the same, and that it would render us all the assistance it properly could. Dr. White, our Minister at St. Petersburg, reported, November 16, 1892, that he had held an interview with the Minister of Foreign Affairs, in which the latter said that Russia would not recede from its position in seizing the marauding vessels in Bering Sea; that he acknowledged the identity of interest of Russia with the United States in the pending arbitration; and that he would instruct the Russian Ambassador in Paris to give our position all the moral support he could with propriety render.

When I reached Paris in March, 1893, I soon learned that the Ambassador, so far from aiding us, had manifested great indifference to our cause; and, what made his attitude the more serious, that he was on intimate terms with Baron de Courcel, the French member of the Tribunal. I called the attention of our Minister at St. Petersburg to this matter, and he reported that the Minister of Foreign Affairs expressed great surprise and promised to instruct him again on the subject; but the attitude of the Ambassador was never changed.

Soon after the Tribunal had organized and entered upon the hearing, I received notice from Dr. White at St. Petersburg that he had reason to believe the British Government

was urging Russia to come to an agreement about the seal question in the latter's part of Bering Sea, and that there was danger that Russia would yield to the pressure. I had had an interview with M. de Staal, the Russian Ambassador in London, as I passed through that city, and he had given me the same assurances as to identity of interest and coöperation as those made to Dr. White.

On receipt of the last information from Dr. White, learning that M. de Staal was then in St. Petersburg, Mr. White, our Chargé in London, who had accompanied me in my interview, at my suggestion wrote M. de Staal, protesting against any agreement with Great Britain contrary to our contention, at any rate not while our case was being heard by the Tribunal at Paris. On his return to London the Ambassador reported to Mr. White that he had made his letter the subject of a conference with the Minister of Foreign Affairs; that some arrangement with Great Britain was contemplated; but that it had been decided not to conclude the agreement until after the arbitration.

Notwithstanding these assurances rumors came from St. Petersburg that Sir Robert Morier, the energetic British Ambassador, was pressing the matter upon the Russian Government; and on June 21 Sir Richard Webster asked to read to the Tribunal an official document just laid before Parliament, which proved to be an agreement entered into between Russia and Great Britain respecting the seals on the Asiatic side of Bering Sea. Mr. Carter, for the United States, objected, but the Tribunal decided to allow the document to be read, reserving the question of its admissibility as evidence.

This agreement permitted the taking of seals anywhere in Bering Sea outside of a zone of thirty miles around the Russian seal-islands, and contained a stipulation that Russia would pay damages for the British vessels seized. This was on the part of Russia a complete abandonment of the Ameri-

can case before the Tribunal. Its effect on that body may readily be understood.

Dr. White felt deeply chagrined at his failure to prevent the action of the Russian Government, and, while charging it with bad faith, attributed its course to the greater interest it felt in preserving good relations with European countries. He wrote me as follows: "I need hardly indicate to you — a former Minister here and recently Secretary of State — where the trouble lies. You know even better than I of how little account is an interest in the northern seas compared to a point gained or even helped in European or Asiatic questions just here before the world." The Secretary of State, Mr. Gresham, wearied with the tergiversations of the Russian Minister in Washington, wrote me: "I am convinced that for some reason Russia desires that we shall fail in our contention before the Arbitration Tribunal."

The Tribunal began its secret and confidential consideration of the case on July 10, and was not able to reach a conclusion until August 15, when the award was rendered in open session and handed to the American and British agents. It was against the United States on all points except as to the regulations adopted for the taking of the seals on the high seas. These prescribed a closed season from May 1 to July 31, and thereafter the seals might be taken in the water except in a prohibited zone of sixty miles about the Pribiloff Islands; the use of firearms in killing the seals was forbidden, and other restrictions were fixed.

It was undoubtedly the intention of the neutral arbitrators to protect the seals from destruction, and they supposed that the regulations adopted would be sufficient for that purpose. They were much more extensive as to the prohibited zone and severe in their restrictions than the terms of settlement proposed by Secretaries Bayard and Blaine, and in this respect a disposition was manifested to claim the result as a victory for the United States.

But in my study of the seal-herd and the preparation of the case, I reached the conclusion that no amount of pelagic sealing profitable to the vessels engaged in it could be permitted with safety to the herd, and I took the position that it was the duty of the Tribunal to prohibit all pelagic sealing. This position was adopted by the American counsel and urged by them upon that body. The utter futility of the regulations to protect the herd and the correctness of my position have been fully demonstrated by their operation. The United States suffered a technical defeat before the Tribunal, but time has shown that its essential claim was absolutely well founded, that the only safe and proper method of prosecuting the sealing industry is on the land, and that all pelagic sealing tends to its destruction and should be prohibited.

After the award had been rendered, I could not conclude my labors until the secretaries of the Tribunal had perfected the record. While this was being done, Mrs. Foster and I, accompanied by Mr. Carter, who had never before been on the Continent, spent a few weeks very pleasantly touring in Switzerland. On my return to Paris, my last duty to the arbitration was discharged, which had occupied me during eighteen months of very arduous labors. In acknowledging my last dispatch to the Department of State, Secretary Gresham said: "This official termination of your duties as agent of the United States before the Tribunal affords me opportunity to express my high appreciation of your protracted and earnest labors in connection with this important international arbitration. The ability and unflagging industry which you displayed in the performance of your arduous task have not escaped my observation. You retire with the satisfaction that you have the personal esteem and good wishes of all with whom you have been so long and intimately associated."

For a time following the adjournment of the Tribunal, international arbitration was unpopular in the United States,

just as it was in England after the Geneva Award. But the better and prevailing judgment of our country is that the course pursued by President Harrison in this matter was the correct one. It was far better that we should submit our rights and interests in the seal-herd to the arbitrament of an impartial tribunal than risk the horrors of a war between the two kindred peoples.

# CHAPTER XXVIII

## TOUR AROUND THE WORLD — SYRIA AND EGYPT

It had long been a cherished plan of Mrs. Foster and myself to make a journey around the world, and the conclusion of my labors before the Bering Sea Arbitration Tribunal seemed to offer the fitting opportunity. When I became Secretary of State in 1892, I gave up all my professional engagements and withdrew from the practice of law in Washington. Hence there were no business obligations requiring my early return to the United States. We were already well on our way, at Paris, for a circuit of the globe, and we determined upon the journey.

In order that we might not make it alone, I invited a life-long friend from Indiana and his two daughters to accompany us. The young ladies, whom we had known from childhood, were just out of college, accomplished, attractive, and quick to see everything beautiful and interesting in life. During the months of our travel, in sunshine and storm, in enjoyment and weariness, among friends and strangers, we proved a congenial company, and made the most out of the countries through which we passed.

Our traveling companions joined us in Paris, which city we left on October 4, 1893, and for the sake of our companions, who had not been in Italy, we tarried a few days among the familiar but always interesting scenes of Nice, Rome, and Naples. We sailed from Brindisi for Alexandria on October 15. It had been our intention to go first to Athens and Constantinople, but a quarantine had only recently been established in those parts on account of the existence of cases of cholera in Italy, which changed our itinerary. I had once

before been foiled in my efforts to reach those ancient cities. After my residence in Spain, I left Paris in 1885 and made the long journey down to Brindisi, to be informed on my arrival that quarantine had been established in Greece that very day.

We spent only one day in Alexandria, as our connection was close for the steamer which was to take us to Jaffa and the Holy Land, but it was sufficient for a hasty view of the city. We found in port the United States cruiser *Baltimore,* and were very courteously received on board by the captain and other officers. This vessel had a special interest for me, as it was the crew of the *Baltimore* which were so cruelly attacked in the streets of Valparaiso, Chili, in 1891, and which caused such strained relations with the Government of that country as for a time to threaten a hostile termination. I was an active participant in the negotiations which brought about a peaceful settlement, and as Secretary of State I received from the Chilian Government seventy-five thousand dollars as an indemnity to the members of the crew who suffered from that attack.

I kept no diary of our journey from which I can draw for this narrative, but Mrs. Foster, who is a "ready writer," sent letters home to our daughters with great regularity, and as these have been preserved I shall take the liberty of quoting from them freely, as giving the freshest recollection of our experiences. From Beirut, Syria, she wrote, November 6, as follows: —

My dearest E——: I have sent you letters from Jaffa and Jerusalem, giving you an account of our novel and very interesting experience at those places and in our excursions to Jericho, the Jordan, the Dead Sea, Bethlehem, and other places in the neighborhood of Jerusalem. We came away from the Holy Land feeling how much more interesting and real those places of which we have heard from childhood will

be to us hereafter. We have had pointed out to us the scene of almost every event in Jewish Biblical history in that region, some of which are genuine and many fictitious, but we shall read our Bibles with new interest since having seen so many of these localities.

Coming back to Jaffa to take the steamer, we had the same sights as on landing. I thought I had seen narrow and dirty streets in Mexico and Spain, but these exceeded all I ever saw. And those crowded with donkeys and camels, Turks, Nubians, Greeks, Arabs, Jews, Abyssinians, negroes, all mingling together; women with thin-veiled faces peering at us; children all around, under and over the donkeys and camels — I never saw such a medley. Fortunately the sea was calm, and we got aboard our steamer without the fright I had on landing.

The night's sail brought us to this place, and as we were taking our coffee in the morning visitors were announced, and we went on deck to find the United States Consul's boat, flying the American flag, with the Vice-Consul (the Consul being absent) and Doctors Jessup and Eddy, of the Presbyterian mission, to welcome and escort us ashore. The few days we spent in Beirut were fully occupied in visiting the places of interest, examining the mission work, and the new Protestant college recently opened, built with money furnished by New York Christians.

We attended the mission services on Sunday, first the exercises in Arabic for the natives and at a later hour in English. A meeting of the students was held at the college, addressed by your father. They are of various nationalities and sects, and they are not required to attend, but more than three hundred of them crowded the chapel, and seemed interested. Your father's address was translated into Arabic as delivered. The exercises were interspersed with singing of hymns in Arabic to American tunes. The college promises to be very useful and successful. The buildings are beautifully

situated on a promontory overlooking the harbor and the sea.

CAIRO, EGYPT, November 12.

I wrote you from Damascus of our most interesting excursion across the Lebanon and Anti-Lebanon mountain ranges to the ruins of Baalbec and to Damascus, the oldest city of the world. On our return to Beirut we visited the houses of two bankers — they were called the Vanderbilts of Beirut. In the first we were received by the gentleman of the house, who gave us lemonade on entering, then showed us through the lower rooms, and afterwards we were served with sweets (preserved ginger, dates, etc.) on an elegant gold service. Then we were taken through the rooms on the second floor, furnished in magnificent style. As we came down and took our leave we were served with Turkish coffee in lovely cups. (Coffee is offered us everywhere, even in the shops — fortunately the cups are tiny.) We made our adieux and thanks for his hospitality, and went across the street to another equally fine house, a real palace, where the lady (a Christian) received us, dressed in the very latest Parisian style, and we went through exactly the same experience, only we had raspberry vinegar instead of lemonade. These houses are all furnished from Paris in the most luxurious style. It was quite unexpected to see them in this distant quarter of the world. But Beirut is a flourishing and well-built city in modern style.

The evening before we left, our party were invited to the house of Dr. Jessup to meet the American colony; about thirty were present, mostly from the college and the mission. Refreshments were served and Dr. Jessup made a little speech, saying how much they had enjoyed our visit, and your father replied, thanking them all for their exceeding kindness and hospitality; Dr. Eddy offered a prayer for our safe journeying; and we sang "My Country, 't is of Thee." The next evening a number of our friends accompanied us on

board the ship, and after dark we sailed away. Our friends had provided us with "red-fire" matches, and as we steamed along the promontory in front of the college the answering signals from our friends on shore were seen far out at sea. This was our good-bye to Beirut and the kind friends we had found there. We can hardly expect to see the like elsewhere on our journeyings.

The next day we lay off Jaffa, but did not go ashore, as the weather was hot. The following morning we reached Port Said, where we took the small boat through the Suez Canal as far as Ismailia, and thence came to Cairo by rail.

During my visit to Palestine and Syria I gave special attention to the political and governmental conditions, and I reached the conclusion that, of all the countries I visited on this journey, with the exception of Korea the government of the Turkish Empire was the most corrupt, inefficient, and wretched. Since the establishment of Japanese administration in Korea, I hardly think that country should be excepted. The stories I heard in Syria respecting extortion in the collection of taxes were almost incredible. Bribery of the judiciary and of officials generally was unblushingly practiced. My visit was made in 1893, but I infer from my more recent experience that the evil still exists and prevails even at Constantinople. What effect the constitutional movement will have on this condition remains to be seen. When, at the Hague Peace Conference in 1907, a permanent arbitral court was being discussed, and it was proposed that Turkey should be allowed a member on the tribunal, diplomats who had resided at the Turkish Capital stated to me that no Christian Power could hazard the arbitration of its cause which would depend upon the decision of a Turkish judge, to whom corruption was so familiar.

In the region visited by me enterprise was discouraged; in many parts lawlessness was unrestrained; except in the few

localities where foreign energy and capital had forced an unwelcome entrance, all industries languished and abject poverty prevailed. The presence of the missionaries had awakened in the authorities some little interest in education, but gross ignorance was almost universal. I was told of a judge who presided in important cases at Beirut, the most enterprising city of the Empire, who could neither read nor write his own language, the Turkish, and who could not speak Arabic, the language in which the trials were conducted. It is a sad feeling which the Western traveler has, in visiting the spots around which cluster so many hallowed memories and the lands once peopled by the most intelligent and cultivated races of the world, where flourished splendid cities, the patrons of the highest art and literature, to see now everywhere misery, ruin, and misrule.

For this condition of affairs the rival Christian nations of Europe are mainly responsible. Had Russia been left a free hand after the war of 1877–78, or had the reforms contemplated by the Berlin Conference following that war been carried out in good faith, a better condition might exist in that region. But for the international jealousies of the European Powers, the Christian world might to-day hail the expulsion of the Turks from Europe, and the establishment of autonomous principalities under European protection in Asia Minor, Syria, and Palestine.

We spent one month in Egypt, and by industriously using the time we were enabled to see most of the objects of interest in and about Cairo and along the Nile as far as the First Cataract, as well as to study the conditions of the country. Extracts from Mrs. Foster's letters will give some of our experiences.

CAIRO, November 15, 1893.

MY DEAREST E——, I have written you fully about our sight-seeing in this most interesting city — about the street-scenes, the shops, the mosques, the Coptic churches, the Uni-

versity, the Pyramids and Sphinx, the Dervishes, and the other strange people. The American Consul-General, Mr. Penfield, and his wife, have done much to make our visit more interesting and profitable. We found them very intelligent and cultivated people.

Yesterday was one of our most enjoyable and instructive days, as we devoted the greater part of it to the Gizeh Museum, where all the wonders and treasures collected from the excavations and scientific expeditions are kept. The building is one of the old Khedival palaces, a beautiful building situated in lovely grounds. By appointment Mr. de Morgan, the director of the museum, met us, and we spent three hours with him, he pointing out to us the most notable and interesting things. We passed through ninety-three rooms; it was a wonderful and bewildering sight — these marvelous collections of antiquity. And we could not have seen them under better auspices. As we came away the director gave me and each of the girls a specimen of the ancient papyrus and an image taken by himself from the tombs of Sakkarah, which we shall cherish as mementoes of our visit.

This forenoon, while your father and Mr. O—— went to the Palace to be received in special audience by the Khedive, the girls and I went to call on a native Moslem family of high rank. We were accompanied by a daughter of one of our American missionaries who acted as interpreter. The couple are just married and have gone into their own house, fitted up in grand style. We were received very graciously. The young woman was bedecked with jewelry. She had a chain of gold around her neck, very long and as thick as one of my fingers, long earrings, a huge gold breastpin, and any number of bracelets. She spoke only Arabic, and we could have very little conversation with her; but the visit was quite interesting. She could neither read nor write. She said her parents were afraid to have her taught, for fear she might write a love-letter to some young man!

. . . . . . . . . . .

Your father and Mr. O—— have just returned from the Palace and report quite a grand reception. They were accompanied by the Consul-General, the Palace guard was under arms, and the military band played our national airs. The Khedive was very gracious; he speaks English very well, and was quite complimentary to our country. He is a young man, not more than twenty, modest in manner and of pleasing address; neither smokes nor touches liquor. He offered cigarettes to our gentlemen, which they took but did not smoke. His father had only one wife, and they say he will probably do the same — a good example to set his people.

On the Nile, Steamer *Rameses*.
November 19th.

My dearest E——, Here we are steaming up this famous river. It has recently overflowed its adjacent lands and is now bank full, just the time, they tell us, to see it to the greatest advantage, with everything green and navigation easy. This is the first trip of the Cook's boats for the season; our steamer is not crowded, as the tourists have hardly begun to arrive, and we find ourselves most comfortable. It has been much the custom to "do the Nile" in *dahabiyehs*, or native yachts, but the Cook service is so good and comfortable that now most visitors patronize it.

Nothing could be more lovely than this trip. The antiquities we are seeing along and near by its banks are the most wonderful in the world, and the sunsets on the Nile are sublime. I never saw such a brilliant after-glow as we have every evening, and then we have the full moon, which adds to the beauty of the nights.

We have two very interesting and intelligent dragomen (guides) with us. They are the two best for this country, and Mr. Cook sent them for a vacation to the Exposition at Chicago, and they are just now returning to their homes up

the Nile — Mahomet, and Mahmoud, his nephew. They think ours a wonderful country, and say that when they tell their neighbors what they have seen — houses twenty-two stories high, etc. — they will not believe them. They will have to tell their story over a whole year and then they will hardly believe it.

Mahmoud is a young fellow, quite a dude, and wears fine cloths and silks. He was only married four months when he went to Chicago, and he was away from his wife for eight months. He told us of all the beautiful presents he had brought her, and among them a *doll*. We asked him how old she was and he said "fourteen." He offered to take us to his house and let us (the ladies only) see her; so last night we went with him, and he brought in a pretty little girl, of not more than ten, I should think. He brought out the dresses, children's clothes, he had bought her in America, and when the doll appeared she seized it with delight and was perfectly content. His father and mother live with them and take care of the little wife. She is very pretty, with large black eyes and a sweet smile; but we could not talk with her. It was rather a sad sight for us. He seemed quite fond and proud of her, and told us he never intended to marry another. . . .

On the Nile, November 24th.

Our boat remained at Luxor three days and from there I wrote you of our many excursions from that point, about which are gathered the most attractive and some of the best preserved of the antiquities — the tombs of the Kings, the temple of Rameses the Great, the marvelous ruins of Karnak, etc.

At that place the girls went to a wedding and they saw the bride, they said smaller than Mahmoud's wife. I did not go, as I knew it would be hot and dirty; and so it was, in a miserable little hovel; but we saw the procession. They marched the bridegroom all over the town with torches, drums, and a

great noise, and passed in front of our boat. The bride came from a neighboring town on a donkey behind her father, covered with a shawl. Her future husband had never seen her. She was taken into the house, and our girls saw her before he did.

I had a talk this morning with our dragoman Mahomet about his religion. He is a very devout Moslem and has made the pilgrimage to Mecca. All who do this are called "Hadji." He gave me the five essential points of their religion: First, there is only one God, and Mahomet is his prophet; second, pray five times a day; third, give a tenth of your income to the poor; fourth, observe the fast of "Ramadan," lasting one month; fifth, go to Mecca, if you are able.

Every Moslem who observes these rules is sure of heaven. It is purely a religion of works. "By their fruits ye shall know them." By this text Mohammedanism certainly has fallen short of the needs of mankind, but it has a wonderful hold upon the people who profess it. It is a powerful religion, but it does not elevate its followers. . . .

On the Nile, December 1st.

We have been up the river as far as the First Cataract, beyond which Cook's steamers do not run at present and few travelers extend their journeys, and we are now on our way back to Cairo. From Assouan I wrote you of all we saw in that locality, of the beautiful island of Philæ, the gem of all the Egyptian antiquities, our experience in shooting the rapids, and how much we enjoyed our stay there. A project is now before the Egyptian Government to erect a great dam at the First Cataract, to hold the waters of the Nile for irrigating the valley lands of Upper Egypt during the dry season. Doubtless it will be a source of blessing to the people, but there is great danger that it will submerge a large part of the beautiful island of Philæ with its exquisite architecture. [This dam has since been completed.]

One of the passengers on our steamer is Mrs. Baring, sister-in-law of the British Resident of Egypt, Lord Cromer, and while at Luxor she was invited to an Arabic dinner by the British Consul at that place, who is a native. She had our party included in the invitation, and Emily and Martha [the young ladies of our party] went with Mrs. Baring. They report quite an amusing experience. They sat on cushions on the floor around a very large brass waiter. They were furnished no knives or forks — only a spoon and a towel. First, water was brought in and they all washed their hands, as they were to eat with their fingers and the host to carve with his! The first course was soup in a large bowl placed on the waiter, and they all dipped in with their spoons. Then came a roast, which was torn to pieces by the host with his fingers and handed to the guests, which they took in their fingers and proceeded to eat. Then followed other courses of turkey, lamb, etc., with vegetables, the latter being the most difficult to get to the mouth from the central dish.The guests were expected to eat everything, and as a result one of our girls was ill the rest of the night, with something like cholera morbus. The dinner was long-drawn-out and their feet went to sleep while sitting so long cross-legged. I congratulated myself in not having to be one of the guests.

Two days ago we celebrated Thanksgiving Day. Young Mr. Cook, one of the sons of the founder of Cook's Tours, was on our boat, a courteous and interesting young man. He is engaged to an American young woman whom he met last year on the Nile, and he was quite interested to know what we did on this American holiday. We told him of our dinners, with turkey, plum-pudding, etc., and so he ordered a fine dinner, with several large turkeys brought on the table, plum-pudding, and as many other American dishes as could be furnished. Our girls had prepared an invitation to the Thanksgiving exercises, in the shape of an obelisk with Egyptian hieroglyphics, which was put on the plate of all the

passengers. During the dinner Mr. Cook had had the decks cleared, and made brilliant with electric lights, the piano brought out, and everything made ready for a dance. The combined talent of the American passengers had drafted a "proclamation" full of antique and Egyptian allusions, which was read to the assembled company after dinner, champagne and refreshments were served, when your father proposed a toast to Thomas Cook & Sons, with a complimentary speech in their honor, which was replied to by young Mr. Cook; "My Country, 't is of thee" and "God save the Queen" were sung to the same tune; and the exercises terminated with dancing. It was pronounced a great success, and we shall all remember our Thanksgiving on the Nile!

Mahomet, our dragoman, dresses in the finest and most brilliant silks, cloths, and turbans, and comes every day and sits, Turkish fashion, at our feet and entertains us with marvelous stories. He is never done praising Mr. Cook, telling his experiences in Chicago, and discoursing about Isis, Osiris, Hathor, Rameses, and the rest. He also gives us Arabic problems to solve. Here is a sample of them: A man died leaving two sons and a ten-gallon jar of honey to be divided *equally* between them. They have only a seven-gallon measure and a one-gallon measure. How can it be divided? Another was, a man left seventeen cows to be divided among three sons, the eldest to have one half, the second one third, and the youngest one ninth; how can they be divided? They called in a wise judge, who put in one of his cows, making eighteen in all. Then he called the first son and said, "How much are you to have?" "One half," he said. "Well, how much is one half of seventeen?" "Eight and one half," he replied. "Well, will you be satisfied with nine?" "Certainly," he replied (which is the half of eighteen). Then he said to the second son, "What is your share?" "One third," he answered. "Well, how much is one third of seventeen?" "Five and two thirds," he said. "Well, will you be satisfied with six

cows?" "Certainly." And to the youngest, "What is your share?" "One ninth of seventeen." "Will you be content with two cows?" "Certainly." So he gave the eldest nine, the second six, and the last two, seventeen in all, and he took his own cow back home! . . .

After our return from the Nile trip, we spent a week in and about Cairo, and took a P. & O. steamer at Ismailia for Ceylon.

The most noted person that I met in Egypt was Lord Cromer, the British Resident in Cairo, whom I saw several times and had one long conversation with him, in which he reviewed his work in Egypt up to that time, and gave me some indication of his projects for the future. He impressed me as a man of decided ability and well fitted for the trying position he occupied. As Major Baring, he was trained in English methods of foreign rule in India. As Sir Evelyn Baring, he was transferred to Egypt on its occupation by the British forces, and he has discharged his duties as political chief of his Government with eminent success. No one understands better than he the hectoring ways of British rule when thought necessary to be applied, and, to use one of our Americanisms, as "bulldozer" to the Khedive he has proved an adept. As illustrative of the scope of his influence, I may mention one of the current stories I heard at Cairo. It was made known that the young ruler had become enamoured of a French actress and was contemplating marriage. It was understood that Lord Cromer on learning of his intention placed a veto on it, insisting that such an alliance would lower the dignity of the throne; but ill-natured critics say it was because his lordship feared such a connection might make French intrigues more easy.

Lord Cromer, after a successful service in Egypt of twenty-five years, retired in 1907 with a promotion to the peerage and the vote by Parliament of a gratuity of fifty thousand

pounds, he having served his country and mankind through long life without enriching himself.

The healthful character of British influence in foreign lands has never been more conspicuously shown than during the occupation of Egypt. No one who has any knowledge of the history and condition of that country prior to that occupation can fail to note the great improvement which has been wrought. The state of affairs which I have noticed as to other parts of the Turkish Empire applied with full force to Egypt previous to the entrance of the British army in 1882. The bankrupt condition of the country, its empty treasury, squandered resources, and the utter ruin of its credit, added to the prevailing disorder, were the alleged cause of the British occupation in the interest of the foreign bondholders.

Up to the time I visited the country in 1893, a wonderful transformation had been effected under British control. The financial condition had been completely reversed. Order had taken the place of lawlessness, and life and property were everywhere safe. A number of reforms had been brought about, such as the abolition of forced labor; taxes were equitably levied and honestly collected; justice was impartially administered; a general system of education had been established; railroads had been extended; irrigation, the essential need of the country, had been greatly increased; and was better maintained than ever before. And since the date of my visit these conditions have continued to be steadily developed and improved. It may be truly asserted that not since the dawn of history have the people of Egypt enjoyed a better government than to-day under British protection.

## CHAPTER XXIX

### INDIA

Our sail through the Red Sea and the Indian Ocean to Colombo, Ceylon, was pleasant but uneventful. I was especially struck with the care taken by Great Britain to protect her route to India — the series of possessions and fortifications — Malta, Cyprus, Egypt, in the Red Sea, at Aden and the opposite African territory, along the Arabian coast, and the Persian Gulf.

Colombo we found a very busy port. The day we landed there were six P. & O. steamers in port, to and from Australia, Bombay, Calcutta, Singapore, and other ports, besides steamers of other lines. We spent ten days in Ceylon which were full of interest. The luxuriant and variegated vegetation, the native races, and the beautiful scenery were a constant attraction. The ride up to Kandy and the botanical garden at Peradenia were a great source of delight to us. We visited the Catholic mission at Colombo, in company with the wife of the American Consul, a native Christian. The Catholic missionaries had been quite successful in this island, and were constructing an imposing cathedral. Their work there we found in charge of an American priest, who gave us a hearty welcome and seemed delighted to see us.

From Colombo we crossed over the strait to southern India, landing at Tuticorin, and made our first stop at Madura, so celebrated for its Hindu temple, one of the most holy in India, a home of their god Siva. It is one of the largest and most elaborately finished, its grotesque figures and carvings being among the most striking in this country of marvelous architecture. It is said to have cost twenty millions of dollars. Our visit to it is described by Mrs. Foster.

TRICHINOPOLY, December 31, 1893.

MY DEAREST E——, We came up here last night from Madura, at which place we made our first visit to a Hindu temple, one of the most famous in India, and I must say I was disgusted with all I saw. I can see no grace in their painted idols and horrid carvings, and I have no use for the sacred bulls and elephants whose acquaintance we made there. On our way to the temple we met one of their religious processions in the streets. They were hauling their gods about in gaudily decked pagodas, and a vast crowd of naked people were howling, screaming, and beating drums. You could hardly imagine it a religious service. The sacred elephant, said to be one hundred and fifty years old, led the procession, and these dirty people, covered with earrings, nose-rings, toe-rings, anklets, bracelets, and necklaces, with only a light-colored cloth about their loins, followed their horrid idols through the streets — a repulsive sight. The hideous idols were being fanned with immense fans, and the whole affair was the most grotesque I ever saw. This parade only occurs once a year and it was our chance to have seen it.

The temples are immense and very difficult to describe. They have many courts and halls full of repulsive images and covered with uncouth carvings, some devoted to the god and others to the goddess. Some of the images were so indecent the guide would not take us to see them.

All of the temples have a tank connected with them, and from it the worshipers drink, in it bathe, wash their hair and what little clothing they use. Our guide says: "It stinks because it is only cleaned once in eight years!" But it is a sacred tank and sacred water, and the people in their blindness do these things. Their gods are horrid-looking images, and they all have to be appeased in some way. One of them we saw with butter rubbed over his fat belly to make him less angry. I never saw such disgusting things, and to call this a religion seems dreadful.

After we had been through this great temple, followed by these naked, dirty people, with the sacred elephant, the holy bull, and the filthy tank, I said: "Do let us go to see the missionaries and find out if they have done anything to free these people from their superstition." So we called at the house of Mr. Chandler, of the American Board of Missions, to whom your father had a letter. The mission doctor met us on the veranda and told us that Mr. Chandler was very ill with the cholera; and we learned from him that the cholera was epidemic there; he advised us to exercise great precaution, and gave us a supply of cholera medicine. We had noticed in the streets a number of dead bodies carried on men's shoulders, which the guide said were being taken to be burned (the method of burial in India), but we had not given it much thought. The mission doctor's warning, however, had caused us a good fright, and we decided to leave Madura by the next train, although we had planned to spend another day to visit the American Board missions there, which are quite extensive and successful; and so we came on here last night. . . .

We have had here the first disagreeable experience in our journey. In many important places in this part of India there are no hotels, and rooms are fitted up in the railway stations for travelers. We took these rooms last night and congratulated ourselves on finding them so clean and comfortable. But this morning Mr. O——, on awaking, found every stitch of his clothing gone; it had been stolen in the night, including all his money, his letter of credit, his watch and other valuables, and, as he acted as our paymaster, all our railway tickets and India currency. The facts have been reported to the police, and they promise to give it attention. . . .

An agreeable incident connected with this robbery occurred at this station. Fortunately your father happened to have in his pocket some foreign gold coin, and with these he sought to buy our railroad tickets to Madras, but the ticket-

agent declined to receive this foreign coin, demanding rupees. An English gentleman on his way to Madura, an entire stranger to us, steppd up to your father and handed him one hundred and thirty rupees (the amount needed) and gave him the address of a person in Madras to whom he told him he might pay the loan!

We visited St. John's Church at this place and saw the grave of Bishop Heber, the devoted missionary and author of the missionary hymn "From Greenland's Icy Mountains." He was drowned here by accident. Our Consul at Madras writes your father that the Governor wants to "put us up" at Government House; but your father says he thinks it better for us to stop at the hotel. . . .

HAIDERABAD (DECAN), January 3, 1894.

Our stay at Madras was so brief (only a day) that I only had time to send you a very short note. On arrival there on December 31st the Consul handed us an invitation from the Governor, Lord Wenlock, to tiffin and to the New Year ball in the evening, and for us to come to Government House on January 2d for a week's stay. General Gresham [my successor as Secretary of State] was anxious to do everything possible in an official way to make our journey a successful one, by notifying the diplomatic and consular officers of your father's coming, and by the tender of the use of our naval vessels on foreign stations, but he declined all those attentions, as he wanted to travel in a private way, and be able to see and study the countries quietly and without official embarrassment. He accepted the invitation to tiffin, and we might also have gone to the New Year ball, but we had sent our trunks on to Bombay and had no ball-dresses.

After a long morning drive and sight-seeing in and about Madras, we went to Government House to tiffin, and were received with great cordiality. Government House is very attractive, situated in spacious grounds, filled with beautiful

trees and flowers. The house is four times as large as the White House, surrounded by an immense porch, with green blinds to keep it cool and dark, large silk *punkahs* in every room making a delicious breeze, with flowers and plants in every corner. The rooms were very large, with lofty ceilings, and looked so sweet and cool, it did not seem as if one could ever suffer from the heat. There were accommodations for thirty guests, without crowding the family in the least. Such is the kind of a house the British Government furnishes its governors.

After luncheon, while the gentlemen remained in the smoking-room, Lady Wenlock took the girls and me upstairs to her sitting-room, which was an ideal one, fitted with pictures, books, divans, screens, and many other beautiful things. She is quite an artist and paints portraits on ivory. The visit was a most pleasant one, and we were only sorry we could not attend the ball. That evening we came on to this place, where we arrived at nineteen o'clock. They reckon the time up to twenty-four o'clock. It seems more sensible than our way.

This is one of the native states of India; the ruler is a Mohammedan, called the Nizam, and he exercises a certain degree of independence; but the British Government maintains a representative here called the Resident who is the real ruler, as he has a veto on the acts of the Nizam. But the latter lives in great state, has several beautiful palaces, a ministry, and all the outward show of royalty. The Residency, erected by the British Government at great cost to impress the natives, is one of the finest modern buildings in India.

There are no hotel accommodations here, and the Resident, being advised by the Governor at Bombay of our coming, had his aide at the station to meet and extend an invitation to us to stay with him during our visit, but as he is now at his country-place, twelve miles away, we were offered the

alternative of putting up with members of his staff living in the city, which latter we accepted, and we were divided into two parties of three each and most hospitably entertained.

The morning after our arrival we were taken in charge by the English Secretary of the Prime Minister, and shown through the city, visited the principal buildings, the picturesque bazars, given an elephant ride, driven out to the famous castle and grounds of Golconda, and to the lake, where is the fashionable drive of the native nobility, who take great pride in their fine horses and equipages. We see many strange sights in and about the city in our drives. Yesterday we saw a Moslem traveling with his *hareem*. The women, five in all, were veiled and dressed in white, barefooted, with two or three rings on every toe and near a dozen anklets on each ankle. They did indeed make music with every step. Our second day was taken up with a visit to the magnificent Residency, the Nizam's stables, a luncheon at the palace of the Prime Minister, and a visit and tea with the British Resident at his country-place.

The Prime Minister has one of the finest palaces in all India, he speaks English well, and does the entertaining for the Nizam. We were received in royal style, and I never saw a more magnificent palace. It is situated on a high hill, with entrancing views on every side — many artificial lakes, luxuriant gardens, magnificent pavilions, charming drives, artistic bridges, and deer parks. The rooms were finished in luxurious style. We had an excellent tiffin or luncheon, the table loaded with beautiful gold and silver ornaments and dishes, flowers and fruits in profusion. When we took our leave the host gave each of us four bottles of attar of roses, and presented me with his photograph in a huge frame and also one of his son.

In the afternoon the Nizam's break, driven by the English superintendent of his stables, came to take us out to the Resident's country-place, twelve miles away. We had four

lovely white horses, with silver-mounted harness, with the Nizam's coat of arms. With one relay of horses we arrived within an hour. I sat with the driver, who entertained me with stories of the Nizam. One of them was that, after being with the Nizam for several years, he (the driver) made application to him for an increase of wages, explaining that he had a growing family. "Why," said the Nizam, "have n't you got rich in my service?" "No," he answered. "That is very strange," said the Nizam. "Have n't I given you plenty of opportunity? That 's the way the rest of my people do."

The Resident, Mr. Plowden, and his two daughters (the wife died two years ago) received us most cordially and we were taken out to a lovely tea served on the lawn under a wide-spreading tree. They expressed great regret that we could not stay and make them a few days' visit. We drove home at sunset by a large artificial lake and had a most beautiful afterglow.

We have not had a sight of the Nizam, who keeps himself very secluded, but he has done much for our entertainment and pleasure. We have had a most interesting visit at Haiderabad, and but few travelers have such an opportunity. The girls say they have no more adjectives to express what they see and feel. It has all been wonderful and beautiful. It is like a chapter of "The Arabian Nights" and seems like fairyland. . . .

Bombay, January 4, 1894.

My dearest E——, On our arrival here yesterday morning we found a great bundle of letters. How welcome are these letters from home when we are so many thousand miles away.

Mr. O—— received news here from the police of Trichinopoly that the thief who stole his clothes and his valuables has been arrested, most of the property recovered, and that the thief will soon be brought to trial. [He was convicted and sentenced to a term of imprisonment within a month

after the theft — much to the credit of the India police system.]

Before leaving Madura on the train, old Dr. Chandler, the father of the missionary we found very ill with the cholera, came to the station to see us, and he reported his son much improved and he hoped for his recovery. When we reached Bombay we learned that young Mr. Chandler had recovered, but that the father had been seized with the disease and was dead. The father told us when at Madura that after he had served in India for forty years as a missionary, he decided to retire and spend the remainder of his days in his old home in Massachusetts. But when he returned he found no one who cared for him, scarcely any who knew him; when he went to Yale at commencement time he could not find that any of his class were living; he found himself a stranger in his own land; so he came back to India among the people whom he loved and for whom he had labored, to die in their midst.

We spent eight days at Bombay with the greatest interest and profit. It is the finest modern city in Asia, its public buildings rival in extent and architectural attraction those of European and American cities, and is the best foreign specimen of British enterprise in the world. While there I devoted considerable time to a study of the British colonial governmental system, and especially its organization of the civil service, having been given, by the courtesy of Lord Harris, the Governor, full opportunity to meet and discuss those matters with the officials and boards located in that city.

The civil service of India, which is in great part competitive, I regard as equal to that of any nation, taking into consideration the class of people where it is administered. While the leading offices are held by Englishmen, the large proportion of the office-holders are natives, including some of the highest judicial posts, with liberal salaries. For instance, a

native judge of the High Court of Bengal receives twenty-five thousand dollars per annum, many lesser judges five thousand dollars, and the lowest not less than fifteen hundred dollars. Out of two hundred subordinate judges in the northwest provinces at the time of my visit, only three were not natives.

Extracts from Mrs. Foster's letters will indicate the manner in which we spent our time in this attractive city.

BOMBAY, January 14, 1894.

MY DEAREST E——, I have sent you hurried letters from here telling you of our doings, but we have been kept so fully occupied, little time is left for letter-writing.

We have been charmed with all the English people we have met in India. I never saw such lavish hospitality; it is impossible to accept all that is tendered. We are certainly seeing everything to the best advantage and having a splendid time.

The Governor and Lady Harris have been showing us all possible attention. On our arrival they sent us an invitation to spend a week with them at Government House, but your father, to our disappointment, thought it best to remain at the hotel. We have been there twice to tiffin, once to a grand ball, and last night they gave a dinner of forty in our honor. Lord and Lady Harris did not appear till all the guests had assembled, and then they came in and passed around, shaking hands with each person. The British high officials maintain much of the style of royalty in this country, I suppose to impress the native princes and people. I went to the table with his Lordship and your father with Lady Harris. Martha had the honor of opening the ball with Lord Harris. Government House here is even more imposing than that at Madras, and much more beautifully situated, as the surroundings of Bombay are very picturesque. . . .

The most interesting people we have thus far met in India are the Parsis (pronounced Pars*ees*). Your father had a letter

to Mr. Jamsetji N. Tata, one of the leading members of that race, and one of the most prominent and wealthy citizens of Bombay. He was absent in Europe, but his son, D. J. Tata, met us and was untiring in his attentions — in fact, if we had accepted all his plans for our entertainment there would have been no time left us for others. One of the most delightful was an excursion we made to the famous Hindu cave temple of Elephanta, several miles distant across the bay. A special steamer was furnished by the agent of a British commercial house to which your father had a letter, and the party was made up of a number of Parsi ladies and gentlemen, and friends of Mr. Tata, whom we found very intelligent and entertaining. Among them were Mr. Ichangir, a banker, and his wife. He and his father have been so very generous in public gifts of all kinds that they have been given the pseudonym of Mr. "Ready-Money," by which name they are generally known. An elegant collation was served on deck as we returned home at sunset in a most enchanting sail over the bay.

Mr. Tata has given us tiffins, dinners, and opera parties, and crowned all with a large reception in our honor at Esplanade House, his father's home, the most elegant residence in Bombay. In order that we might see something of the native society, he invited only the Parsi ladies and gentlemen and such of the Indian princes and ladies as have broken "caste" and go into foreign society, but they constituted a large company. The house is a real palace, filled with rare treasures of art and beauty. The ladies were of the richest families, and I never before saw such a display of jewels. The Parsi ladies all wear a *sari*, which is both a covering for the head and a dress, made of fine gauze material, trimmed with gold and silver, and they look so pretty, draped as they are in a most graceful way.

The Parsis, you probably remember, are the followers of Zoroaster, expelled from Persia about one thousand years ago

by the fanatical Mohammedans, and settled in India, where they have greatly prospered. They live mostly in and near Bombay and number less than one hundred thousand. They are the bankers of India, very successful as merchants and manufacturers, and are the most enlightened and liberal of the native population. They are called "fire-worshipers," but this term they greatly resent. They believe in the one God, and their houses of worship are perfectly plain and free from decoration. They sum up their religion in three precepts: Good thoughts, good words, good deeds. This city is full of the evidences of the faithful practice of these precepts, in the colleges, schools, hospitals, and other public institutions they have founded or aided, not for the benefit of their own race only, but for the population generally. As an indication of their widespread philanthropy, it may be stated that they are liberal supporters of the Christian missions and the Salvation Army.

We had an instance of the stringent restriction established by British society against the native races, which seemed strange to us. Young Mr. Tata is one of the most refined and intelligent gentlemen we have met in our travels, educated at Cambridge University, speaks English perfectly, is well up in all the sports of the day, and one would think he would be a model clubman. And yet he cannot enter a single British club in Bombay. Immediately after our arrival your father and Mr. O—— were made honorary members of the Yacht Club, the swell club of the city, perfect in all its appointments and beautifully situated on the water-front. We ladies as well as the men of our party were several times entertained there at tiffin, and it was one of our favorite resorts. Mr. Tata, in inviting us to tiffin and dinners, apologized for not taking us to the Yacht Club, and explained that he was not permitted to do so, as he was not a member. He did not add, what we had learned before, that he could not become one.

The British defend their course by saying that it would be difficult to draw the line in the native races, and that they would be swamped with an objectionable and uncouth membership. Caucasians of all nationalities are eligible, but none of the native races of India. Until we get over our prejudice as to the negroes, I suppose we cannot well criticise the British of India. . . .

[In 1905 Mr. Jamsetji Tata, the father, came to America, and paid me a visit in Washington, when I had the opportunity of showing him some attention. He was greatly pleased to meet at my table the members of the Cabinet, Admiral Dewey, and other prominent public men, and they in turn were much interested in and struck by his intelligence, enterprise, and liberal ideas. He was particularly delighted with the call we made upon President Roosevelt. The Parsi Cricket Club of Bombay, of which his son was the president, had just won the championship prize in England; and the President, after speaking in high praise of the race, with whose history he showed great familiarity, then mentioned with enthusiasm the Parsi triumph in cricket. In coming away, Mr. Tata expressed his great admiration for the President and said: "When I go back to Bombay and tell the boys what President Roosevelt said, it will just make them crazy — crazy with delight."]

We expect to leave to-morrow night for Baroda, one of the native Hindu States, an excursion which Mr. Tata has arranged for us. . . . We were much amused yesterday at a shop-keeper, who told us he had heard the *Governor of America* was in Bombay, and, as he must be very rich, he hoped he would come to his shop and buy. So you see your father has a new title to bring home with him.

Lord Radstock is here holding evangelistic meetings. You will remember we heard in St. Petersburg a good deal about his work in Russia a year or two before our arrival there. We are invited to meet him at a tea to-morrow. . . .

BARODA, January 14, 1894.

MY DEAREST E——, We left Bombay on the night of the 14th and reached this place early the next morning. As I have written before, this is a native and so-called independent State, governed by its own hereditary ruler, called the "Gaekwar." It is somewhat similar in its government to the Nizam's State in southern India which we visited, but is distinctively different in that the latter was a Mohammedan State, and Baroda is entirely Hindu. The people and customs are quite different, but equally as quaint, and there is here even a greater display, if possible, of extravagance and luxury.

Mr. Tata had preceded us, and evidently had arranged matters for our reception, as we were met at the station by liveried servants and a mounted guard, and escorted to one of the "guests' houses" in the palace grounds. The Gaekwar is a Hindu, and, therefore, in observance of the rules of his "caste," he cannot entertain foreigners in his own palace; so that he has erected a number of "guest-houses" for the entertainment of native princes and visitors from abroad to whom he wishes to show special attention. The one assigned to us was used by the Czarevitch on his recent visit to India.

It is situated in most beautiful grounds and all the surroundings are lovely. It is quite too large for our party, elegantly furnished, with a full corps of servants, and two carriages constantly at the door, with footmen and interpreters. The *chef* waits on me each morning to receive our orders for meals, and to ask the number of guests we may have for dinner. Your father says he is violating his rule as to being entertained by the Government, but there are no hotels in this place, and Mr. Tata said the officials would be offended if we did not accept their hospitality.

On our tour of sight-seeing we first went to the Gaekwar's palace, a very extensive and costly building recently completed. We saw the heir-apparent at his lessons, with his

English tutor from Oxford. He is a bright little fellow of eleven, and recited for us a story in English about two little kittens quarreling. He wrote his name for me in Edith's album, beautifully, in English, Sanscrit, and Maharati. We were also shown into the nursery, and saw the three other children of the Gaekwar, the youngest a baby of seven months being rocked in a most gorgeous silver cradle. The Gaekwar and his wife are now in Europe.

We were next taken to see the elephants and the sports. The visit to the elephant stables was most interesting. The former Gaekwar kept the largest collection of elephants in India and spent enormous sums on their trappings and the carriages placed on their backs. The number is now reduced to forty, as they are becoming costly; but all the gold and silver decorated carriages and embroidered and begemmed trappings are to be seen.

The former Gaekwar was one of the most recklessly extravagant rulers of all India, and his profuse and foolish expenditures brought his country into bankruptcy. He is said to have lavished a million rupees ($350,000) on a festival in honor of the marriage of his favorite pigeon to one belonging to the Prime Minister! As the British Resident sought to restrain his extravagance, he made an attempt to poison that official, which led the British Government to depose him. The present Gaekwar was chosen from a distant branch of the princely family when he was eleven years old, was carefully trained under British direction for his duties, and has proved a very enlightened and able ruler. [He, accompanied by his wife, visited the United States in 1907, was the recipient of much attention, and made a very favorable impression on our public men.]

The Government of Baroda maintains at considerable expense quite a series of sports for the entertainment of the native princes and foreign visitors. We first were given an elephant fight, between two of those huge animals. In the old

days of extravagance they were permitted to continue the contest till one or the other was killed, but that is now too costly a game, and they were separated after blood had been drawn by the tusks. Then came a fight of twenty or thirty rams, which, as between two, was kept up till one or the other was killed or disabled — a strange but disgusting sport. Then a fight of pheasants, much as the cock-fights, with metal spurs, followed by a performance of trained parrots which were very curious and interesting. We were last taken to see a display of wrestling by about a dozen brawny, muscular natives, stripped to the skin, with only a breech-cloth. It was a marvelous exhibition of strength and agility, but was not greatly enjoyed by me. It seemed a strange use of government funds to maintain such a costly equipment for the entertainment of visitors.

The forenoon of one day was given up to a *chetah* hunt. The chetah is a species of leopard and is trained for hunting deer and antelopes. Connected with the Gaekwar's country palace, situated several miles from the city, is an extensive park stocked with many deer and other wild animals. We started at daybreak and drove to the park in carriages, where we took heavy carts without springs, as we had to go over very rough country. The chetahs were put on open carts blindfolded, and the procession of carts pushed into the forest until a drove of deer were started from the thicket, and then one after another the chetahs were unblindfolded, and the instant they caught sight of the deer they rushed after them with the speed of lightning, and in a moment almost they overtook the deer, sprang on their backs and fastened their teeth in the jugular vein, where they remained till every drop of blood was exhausted or their keepers separated them. It was a very exciting but cruel sport.

Our appetites had been greatly sharpened by the early morning excursion, and we welcomed an invitation to go to the country palace, a beautiful edifice with most attractive

surroundings, where a very appetizing breakfast was served. We were told that we should have the venison for our dinner, and that two of the deer heads with curiously twisted horns would be cured and mounted to take with us as trophies.

Returning to the city, after a siesta, we went to the palace where the state jewels are kept, and all the wealth of gems was opened up to us. I never saw such diamonds, pearls, and emeralds, and never expect to see the like again — of such enormous size and in such profusion that one can hardly believe that they are really genuine; but these Indian princes pride themselves in the possession of jewels of gorgeous brilliancy and size. The jewel regalia of Baroda is estimated to be of the value of fifteen million dollars. To complete the treasure exhibit we were shown the two solid gold cannon, each weighing two hundred and eighty pounds, and two companion guns in solid silver.

Our three days in Baroda were crowded full of wonder and interest, and after our experience here, we are ready to believe any tale of Indian history, however extravagant. We closed the last day by an elegant dinner at the British Residency, and we are packing up preparatory to continuing our journey into the northern provinces.

AGRA, January 25, 1894.

MY DEAREST E——, I have written you of our stay at Jeypore (or Jaipur) and at Delhi, and of all the wonderful and interesting things we saw there. We have been here three days, all too short to enjoy to the full the beauties and marvels of the unequaled architecture in this city and vicinity. They are without doubt the most perfect and best preserved specimens of Saracenic art in the world.

We reached here in the afternoon and went immediately to see the *Taj Mahal*, the most renowned and beautiful building in the world. It was built two hundred and fifty years ago by Shah Jahan, at the height of the Great Mogul dynasty,

as the mausoleum of his beloved wife Arjamand Banu, at a cost of twenty million dollars. The poet says: —

> "He did it because he loved her so —
> He loved her, and that was all."

It is the costliest and loveliest monument a queen ever had. It is "the wonder of Agra" — "the crown of the world" — "the peerless tomb," built for the fair dead body of a wife by her lord and lover, a tender elegy in marble. Words are worthless in describing such a building, in all its details so absolutely faultless. We could only gaze, wonder, and admire. It is in the midst of a most lovely garden, entered by a superb gateway, with fountains and running water, leading up to it. Get Edwin Arnold's description, both in prose and poetry, and you may enter somewhat into our enthusiasm. It is well worth the journey to India to see only this tomb.

Shah Jahan himself is buried beside his wife; they lie side by side in marble tombs, inlaid with gems, and lighted through screens of white marble trellis-work of the most exquisite design and workmanship. We have seen the palace, the pearl mosque, Akbar's tomb, Fatehpur Sikri, and the other celebrated attractions here, but we turn from them all to revisit the Taj Mahal, as we have every day, with increasing interest and delight. To crown all, we have seen it under the silver light of the full moon — it was perfectly lovely. . . .

We visited the orphanage of the English Church Missionary Society, where we saw the *boy-wolf*, of whom we had heard at Bombay. He is now twenty-four years old, but more like an animal than a human being. They say some natives, passing a wolf-hole, thought they saw a human form, and they smoked out the hole and found this child that had been nursed by the wolves — a real Romulus and Remus story. The missionary in charge said they had no reason to doubt the story. When he came to them he walked on all-fours, and could only make noises and sounds. They let him roam around the compound, and say he has more propensities of

an animal than a man. He showed us how he used to walk. He was a repulsive sight. . . .

ALLAHABAD, January 29, 1894.

MY DEAREST E——, After leaving Agra we made a detour from our itinerary to see the Presbyterian missionaries at Farukabad, who had sent us an urgent invitation to visit their station, and we spent a busy twenty-four hours examining their work, in their schools, orphanage, religious classes, and preaching services. The mission is in charge of the Reverends Janvier and Forman, and is accomplishing much good. Mr. Janvier preaches to the natives every night, and seems to have a perfect mastery of their language. Mr. Forman was absent on a missionary tour, camping in his tent and preaching in the villages.

Miss Forman took the girls and me to see something of their *zenana* work, in the houses of the native Hindus. At one house the women were going to a wedding, and they had arrayed themselves with a great display of jewelry. I never saw human beings so loaded down with ornaments, but with no clothes to speak of — toe-rings on every toe, bracelets from the wrist to the shoulder, nose-rings, necklaces, anklets, rings on every finger, and such earrings, hanging down on their necks, commencing at the top of the ear. Lest we might think what we saw was all they had, they asked Miss Forman to tell us they could not wear all they had at one time.

The nose-ring worn by one of the women was as large as a medium-sized plate, and when it was in the way she turned it up over her head! She took this ring out of her nose to let us handle it. I never could believe these things unless I had seen them. They were all barefooted, and they say if they wore stockings the people would think they had leprosy — as in that way the disease is concealed — and then they could not wear their toe-rings. . . .

On our return from Farukabad, we stopped off a few hours

at Cawnpore to visit the scene of the dreadful massacre of the Indian Mutiny of 1857. . . .

We have been spending two days here at Allahabad very pleasantly, visiting the missionaries, some of whom are old Washington friends, and seeing the great *Magh Mela*. The Mela is held every year, and pilgrims come from all over Northern India to this sacred spot, where the Ganges and Jumna rivers meet, and if they bathe here all their sins are washed away. Every twelfth year is one of special sacredness, and we have the good fortune to witness it. It is claimed that there are three million of these pilgrims here, camped together in rude and filthy tents in an improvised city, but the number is probably exaggerated. There is a great array of fakirs or Hindu monks camped on an island in the river, approximately one hundred thousand of them. They wear scarcely any clothing, some none at all, let their hair grow long, and mix it with ashes and mud until it stands out stiff. I never imagined such hideous beings. They torture themselves in cruel ways, as it seems their chief aim is to mortify the flesh; one we saw who had held his arm straight up in the air until he could never put it down.

The whole scene was sad and disgusting. We drove away from it to the mission church, where we heard a native preacher. We could not understand a word, but they sang our tunes to the hymns, and we joined in the singing. We were so pleased to see here the clean, bright natives, *clothed*, and in their right minds. It was such a contrast to the scene we had just left. . . .

BENARES, January 31st.

We reached here yesterday, and have devoted our time to seeing the burning and bathing *ghats* and visiting the temples of this sacred city. To the pious Hindu, Benares is what Mecca is to the Moslem or Jerusalem to the Jews, and here congregate at all times innumerable companies of pilgrims. The longing of their whole life is to visit this sacred spot, and

to wash away their blackest sins in the holy Ganges. To them Benares is the gate of heaven, and if they die and are burned on the banks of the Ganges and their ashes consigned to its waters, their fondest wish is satisfied — they are sure of happiness throughout eternity. The Ganges is sixteen hundred miles in length, and the most pious act a Hindu can perform is the six years' pilgrimage from source to mouth and back to Benares.

We devoted an afternoon to witnessing the scenes at the burning-*ghats*, taking a boat and passing along the river from one to another, and thus seeing the process to advantage in its various stages — bodies just being laid upon the pile of wood and being lighted by the nearest relatives, others half-burned, with the chunks of wood and embers being raked up against the human remains, and others where the ashes were being collected to be cast into the Ganges — with the relatives, friends, and curious strangers sitting around. It was a gruesome and sickening sight. The practice of burning the dead in a country so thickly inhabited as India and where so many diseases are epidemic is, for sanitary reasons, to be commended, when performed under governmental regulation; but the method at Benares is shocking and repulsive.

An early morning excursion on the river was devoted to a view of the bathing-*ghats*. On these *ghats* we saw pilgrims from all over India in every variety of costume and every stage of dress and *undress*, jostled about by sacred bulls and cows, crawling in and out of the water, some praying standing in the water, others sitting on the banks telling their beads. Up and down these *ghats* all day long stream the endless concourse of pilgrims, Brahmin priests, ragged tramps, fakirs, horrid beggars, wealthy rajahs or bankers in gay palanquins, old women, sacred bulls and cows, Hindu preachers, and pariah dogs.

In our morning excursion we saw some novel sights. One was a bridal party in a boat, with very many yards of yellow

cloth trimmed with garlands of flowers. They fastened one end of the cloth to the bank and wrapped a garland of flowers about it, and then the party passed clear across the river in the boat, stretching the yellow cloth behind them; and this ceremony was in honor of the sacred river and to secure a blessing on the newly married pair. The groom was dressed in a gaudy red costume trimmed with gold. The bride we could not see, as she was in her mother's arms and hid with her wrap. I could write page on page of the strange and curious sights we witnessed on the river this morning. . . .

The afternoon we devoted to seeing the temples in this wondrous city of temples, and I feel as if I never wanted to see another, they are so hideous. . . . Mrs. Besant is just now lecturing all through this country, and, it is reported, is going to spend the rest of her life in India, hoping to restore what she considers *the truth* in this Eastern religion. There may be much learning and philosophy among the Brahmins, but when we see the practical results of hundreds of years of their teaching, we are convinced that this people need something higher and better. . . .

Darjeeling, in the Himalayas,
February 4, 1894.

My dearest E——, We only stopped one day at Calcutta, after leaving Benares, to get our mail and deliver our letters of introduction, as we were behind our itinerary and we felt that we could not miss this side excursion into the mountains, though two hundred and fifty miles away. We feel richly repaid for our trouble, for we all pronounce this the most beautiful and picturesque place on all our journey. Our ride up the mountain on a narrow gauge railroad of two feet, in very small open cars, was most exhilarating and charming, and we had magnificent views. The views from our rooms at the hotel are grand in the extreme. The huge mass of Kinchinjunga rises to the height of five miles above the plain

directly in front of us, and range after range stretches away in the distance.

Mt. Everest, the highest of the Himalayan peaks, is not visible from Darjeeling, and in order to see it we had to make an excursion of six miles to Tiger Hill, at an elevation of nine thousand feet. We started before daylight, in order to be at the summit in time to catch the early effects of the rising sun upon the mountain peaks. It was a weird ride on our ponies along up the sharp ridges in the gray dawn, with the black chasms below us, and, as we reached the top of the hill, to see the first rays of light tipping the great crests from an invisible source far below us. I cannot attempt to describe our sensations as the sun came slowly up, nor picture to you the changing hues of the scene.

Our little knoll formed an isolated point of view, with the foothills of six or seven thousand feet lying below us, while the great snowy barrier of the Himalayas rose immediately above us and stretched away to the east and west for two hundred miles, with hardly a depression below twenty thousand feet. Several of the mountains exceed twenty-five thousand feet in height, and Mt. Everest, one hundred and twenty miles away, rises to the almost incredible altitude of 29,002 feet. Such grandeur of scenery is nowhere else to be seen. Zermatt and Chamouny appear tame beside it. The Matterhorn piled upon the Jungfrau would not reach the top of Mt. Everest, and the whole of the Bernese Oberland range might be hidden in a single one of these valleys.

We should be glad to linger in this wonderful spot, but we must hasten on our tour, and besides we have engagements waiting us at Calcutta. The Viceroy is giving your father a dinner on Thursday, and we have many things to do and see there. . . .

On our return from Darjeeling we spent five days in Calcutta, during which time we enjoyed the hospitality of Lord

Elgin, the Governor-General, of Mr. Polk, the Consul-General of the United States, of a number of English families, and especially of several educated and refined Hindus. I had a letter of introduction to a leading Hindu lawyer, who, with his wife, was educated in England, and he pursued his legal studies at the Inner Temple. Both of them spoke English perfectly, and were very accomplished and intelligent persons. They had broken "caste" and were prominent members of the *Bramo Somaj*, or reformed Hindu cult. Nevertheless through them we were introduced into the native society, and saw much of its interior life to which we could not otherwise have secured access.

Our trip through India afforded me an opportunity to study the people and government, somewhat hastily it is true, but sufficiently to form some opinion respecting them. Every one who passes through the country with an observant mind must be struck with the grandeur and beneficence of the British acquisition of that territory. It surpasses the Roman Empire in the era of its greatest glory and extension. It contains a population equal to all Europe and a territory of continental proportions, crowded with varied races possessed of an ancient civilization, literature, philosophy, and arts.

The beneficence of the British acquisition is most conspicuous in the unity and peace, which, for the first time in its history, the country enjoys. Until the British conquest, India was never under the sway of one government, not even in the height of the Mogul supremacy; nor did it ever before experience the blessings of peace in all its borders. Its normal condition was that of war among contending rulers, and disorder and anarchy were the rule rather than the exception. It contains many races, speaking nearly one hundred different languages and dialects, with two prominent religions, the Hindu and the Mohammedan, the adherents of which cherish for each other an intense hatred. These conditions

explain the comparative ease with which British rule is enforced.

This reign of peace has multiplied the population to the enormous extent of one hundred million of souls within a century, making an aggregate of three hundred millions in the country.

The area of land under cultivation has largely increased all over the country, in some instances as much as seventy per cent, while its value has everywhere greatly advanced. Before the British occupation there was scarcely a single road deserving the name. Now they traverse every district, railroads connect all important towns, and twenty-eight thousand miles of irrigating canals under government supervision constitute a system surpassing any other in the world. Competent authority states that the rate of taxation is the lightest of any civilized government, and that under British rule it has steadily diminished. Education, before almost unknown, is being generally introduced. The civil service, as I have already pointed out, is equal to that of any nation.

The British Government of India is not a perfect one, but its influence upon the people is beneficent and elevating. How long it is to continue I do not venture to predict, but during my visit I saw little evidence of internal danger to British supremacy. The Hindu friends whom I met at Calcutta and elsewhere spoke to me of the influence of the principles of our Declaration of Independence upon the enlightened classes, and the Indian Congress, a voluntary gathering, was holding its sessions annually with freedom from governmental restraint. This spirit has apparently increased in later years, and threatens to become formidable. In certain quarters in Great Britain the question is sometimes mooted whether its possession of India is a burden or a blessing to the United Kingdom, but I think there is no considerable body of the English nation who contemplate its relinquishment, and no

Ministry could maintain itself which was proved guilty of culpable neglect in measures for its defense.

The bugbear of Russian invasion was very prominent when I was on my journey. I did not converse with a single Englishman on the subject who was not thoroughly convinced that Russia's great aim was to drive the British out of India, and that France stood ready to second her efforts. But subsequent events have put an end to those fears, for the present at least. These are the rise of Japan as a military power, the defeat of Russia by that power, the establishment of cordial relations between France and Great Britain, the understanding between the latter and Russia as to Persia and Afghanistan, and especially the defensive and offensive alliance of Great Britain and Japan.

## CHAPTER XXX

### VISIT TO CHINA AND JAPAN

LEAVING Calcutta, we next touched at Rangoon, and spent five days in Mandalay, the old capital of Burma. Here we had full opportunity to see the practice of the Buddhist religion. The most striking feature of the country was the freedom and intelligence of the women. We stopped two days at Penang, and devoted a week to Singapore, where we found much to interest us — the evidences of British commercial enterprise, its foresight in seizing upon important places like this port and Hong Kong, and a study of the Malay States. The Sultan of Johore has a palace in this city, in which he entertained us at dinner with a display of Oriental brilliancy; and he invited us to his dominions across the strait near by on the continent; the Governor, Sir Charles Mitchell, made our stay both pleasant and profitable by his many attentions; and we met here and were entertained by Admiral Freemantle of the British Navy on his flagship, and by the *Lancaster* of our own navy, returning from the China station.

The vessel on which we sailed from Singapore touched at Saigon, the French capital of Cochin China, where we passed two days. Here we met in the natives quite a different people from those of the other countries visited, but the town itself was but a reproduction of Paris on a very small scale.

At Hong Kong, the chief commercial emporium of Asia and at that time the third port in importance in the world, we saw the same evidences of British enterprise and supremacy in the Far East which we noted at Singapore; and the British authorities vied with our own Consul-General in affording us every possible opportunity to see and study its commercial and social features.

At Canton we first touched Chinese territory, and at once saw that we were among friends when the Viceroy informed me that he had received instructions from Peking to see that all official courtesies and assistance were extended to me during my visit. I had been the counsel of the Chinese Legation in Washington for many years, and in all my stay in the Empire there was apparent a disposition to show an appreciation of my services to its Government. The great and thriving city of Canton, with its narrow streets and houseboat life greatly interested us. The American Consul-General here, Mr. Seymour, was the only one of the former administration I had met, and he had been retained at the special request of the missionaries and the few other resident Americans, because of his efficiency and long service. At all the other places new consuls had been appointed by President Cleveland. While the sweeping changes are to be deplored as a rule, I have pleasure in saying that I found the new incumbents men of character and ability.

Our next stop in China was at Shanghai, where we only lingered three days, as we were getting anxious to reach Peking, and the time allotted for our tour was growing short. Shanghai is the best-built and most attractive city of all the Chinese treaty ports, the commercial and banking centre of the Empire, and is a favorite place of resort for foreigners. We had timed our arrival here to take the first steamer for Tientsin after the ice was clear of the Peiho.

Tienstin is the seat of the viceroyalty of China, the metropolitan province, and had special importance at the time of our visit as being both the seaport of the imperial capital, Peking, and the residence of the famous Chinese statesman, Li Hung Chang, who from his influential position might be termed the Prime Minister of the Empire. The day after my arrival I made a call upon him in his *yamen*, or official residence, and the day following he returned my call, which is described by Mrs. Foster in one of her letters.

TIENTSIN, CHINA, March 26th.

MY DEAREST E——, We have had much to occupy us since we landed here, and of our doings I have already written and mailed you a letter. . . .

Yesterday was a most exciting day, as the Viceroy Li Hung Chang came in state to return your father's visit. It was his first visit to the American Consulate. He is now seventy-two years old and seldom makes visits, and this one was considered a great honor. Our Consul had provided a Chinese band which played American airs, and a small guard of marines had been sent for the occasion from the American man-of-war *Monocacy*, now in port. All the servants at the Consulate were wild with excitement at the idea of the great Viceroy coming to the house. They call your father the "Viceroy of America," as that is the highest title they can think of.

Chinese etiquette requires that as soon as the Viceroy comes in, he is to be escorted to the dining-room, and seated at a table loaded with sweets, wines, etc., and there they eat and smoke and talk. So the table in the dining-room was all arranged with fruits, flowers, and sweets, and at half-past four o'clock all was ready for the reception of His Excellency the Viceroy. The band played "Hail Columbia," the American flag was flying, and we were all expectancy and excitement, when a grand procession of men and chairs came into view, and the "Taotai," the chief political officer of Tientsin arrived as an advance guard and to announce the coming visit. Then appeared the retinue of the Viceroy. Two men bore large flags in front of the procession, followed by a company of soldiers carrying immense knives, then a great red umbrella carried on a high pole, the Viceroy in a green sedan chair of state, surrounded by his retinue dressed in fine style, and then followed his secretaries and interpreter in blue chairs.

After they were all seated at the table, we looked at them through the door and heard the conversation, which was very amusing. I give some of the questions the Viceroy asked

your father. (He had already asked about his age, his occupation, and the offices he had filled when he was at the *yamen.*) He asked "if he lived in a palace," and "how many rooms it had," if he "was a rich man," did he "have landed estates," "how much money he could make in a year," "how long would Mr. Cleveland be President," and added that he hoped your father "would be the next President of America."

The conversation was quite prolonged, and before they rose from the table your father told him that his wife was with him, and he would like to present her and Mrs. Read [the Consul's wife] to His Excellency. It seems that presenting ladies to a high Chinese official is quite a novel thing, and it was uncertain how he would receive the suggestion, as Mrs. Grant and one or two other foreign ladies were the only ones he had met; but he said he would be delighted to see us, and we were all ready in the parlor when they came in and we were immediately presented. He asked if I knew "Lady Grant," "was she well"; and then your father presented the girls, when, to our surprise, he said, "Will the ladies come to the banquet I am going to give Mr. Foster on his return from Peking." We, of course, said we should be delighted and highly honored. He has never invited ladies before to a banquet, so you see how progressive he is, and how fortunate *we* are!

Before taking leave, he offered us his steam launch to take us up the river to Peking, which was a great favor, as otherwise it is a long and tedious trip, sometimes lasting a week. He also said he should consider it his privilege to look after the comfort of Mr. Foster's party as long as they were in China. As he left, the band played a Chinese air, which seemed like a dirge. The procession moved off in the same order in which it came. . . .

We remained in Peking two weeks, during which time we visited all places of interest and were entertained by mem-

bers of the Diplomatic Corps at all the principal legations, among them being Sir Nicholas O'Connor, the British Minister, afterwards Ambassador at St. Petersburg and Constantinople, and Count Cassini, Russian Minister, the negotiator of a celebrated and mysterious treaty with China, afterwards Ambassador at Washington during the Russo-Japanese War. Sir Robert Hart, the adviser and financial support of the Chinese Government, had his residence here, his house in the native style surrounded by a park or garden of some extent, the only green spot I saw in Peking. As we had two young ladies in our party, he ventured upon a ball in their honor, but the society ladies of the Capital in those days were so few it was with difficulty a cotillion was made up.

At that time the Imperial Palace was closed to foreigners, and we saw nothing of its occupants. I was received, however, in formal audience by the *Tsung-li-Yamen* (the Foreign Office), and our party was given a dinner in his residence by one of its members, Chang Yen Huan, who had been Minister in the United States, had become quite used to foreign ways, and served us a European dinner — the first entertainment of this class given by a member of the Imperial Government of Peking. I also was given a reception by the students of the Imperial College, established for the instruction of selected young men in diplomacy and foreign learning, at which they read me an address. The President was Dr. W. A. P. Martin, the leading foreign Chinese scholar and most prominent American. In sending me, on behalf of the students, a copy of the address beautifully engrossed on silk, mounted in the form of a fan, he wrote: "It is their own composition, hence the peculiar style." It was as follows: —

Having the great honor to be visited by General Foster, we, students of this College, beg to offer him a respectful welcome.

This is the first time that our College has received such

a distinguished visitor since the visit of General Grant. We have heard that General Foster is a man of great courage and ability.

He always owns his own soul, and battles for the people's good. We have heard of the quality of his true knighthood, the depth of his convictions on both political and religious questions, and the pure vein of manliness that makes him worthy of the high regard in which the people hold him. During the American Civil War, he began his career by fighting to put down the practice of slavery and to preserve the Union of the States. And since then he has risen to fill the high office of Prime Minister of his own country.

Towards our country he has always shown himself a warm friend, and we have to thank him for his noble efforts in defense of our countrymen in America.

We conclude by wishing General Foster a pleasant journey and a long life.

Peking, 3d April, 1894.

On our return to Tientsin we made an excursion on the only railroad then in operation in China, extending to the important coal-mines of Taiping and beyond to Shan Hai Quan, where the Great Wall comes down to the sea. It was of special interest to us to get a view of this ancient and stupendous work of defense.

The Viceroy's banquet took place two days before our departure from the country and was thus described by Mrs. Foster: —

Tientsin, April 17.

My dearest E——, The long-expected and much-talked-of Viceroy's banquet came off on Thursday. I wish you could see our invitations; they are almost as large as a barn door, and they and their envelopes are flaming red with gilt letters. Your father and the Consul were carried in green chairs (this is the color for grandees) and the rest of us in blue chairs.

The dinner was given in the Admiralty Building, which was beautifully decorated with flags and colored lanterns. The band struck up "Hail Columbia" as we were ushered into the reception-room.

The only ladies present besides the three of our party were Mrs. Read and Mrs. Tenny, wife of the Vice-Consul. When dinner was announced, the Viceroy came up to me and bowed and started for the dining-room. As I had been advised in advance, I followed close behind him. The Chinese official assigned to each of the ladies observed the same method, bowing to his lady and starting for the table; and thus we went in to dinner, in single file, first a Chinese official and then a lady. I was seated next to the Viceroy, and on the other side of me was his son Lord Li, who acted as our interpreter.

There were forty-eight guests at the table, all Chinese officials except our party. The table was gorgeously decorated. A printed menu in brilliant red, in Chinese and English, was at each plate. There were twenty-two courses, Chinese and European dishes alternating. We were provided with silver chop-sticks (which we were to take away as souvenirs) and also knives and forks.

When the dinner was about half over, Mr. Loh Feng-loh [afterwards Minister in London], the Viceroy's First Secretary, arose, and in most excellent English pronounced a very eulogistic toast in honor of your father, to which he replied, praising the Viceroy as the first statesman and most advanced and liberal man in China. The dinner, which began at six, was over by nine o'clock, when we took our leave. . . .

At Tientsin we took a small Japanese steamer, with a German captain, bound for Kobe, Japan, via the Korean ports. We first touched at Chefoo, then crossed over to Chemulpo, where we remained for two days, and stopped for another day at Fusan, thus having a glimpse of the Korean people.

Our first sight of Japan was in the beautiful harbor of Nagasaki. We remained in this very attractive country one month, which afforded us time to visit all its important cities and places of interest, give full attention to its alluring shops and art collections, meet many public men, and see something of Japanese and foreign resident society. Extracts from Mrs. Foster's letters will indicate, in part, the manner in which we spent this red-letter month of our lives. . . .

ON JAPANESE INLAND SEA, April 29.

MY DEAREST E——, Yesterday morning we sailed into the harbor of Nagasaki, and as it is noted as being one of the most beautiful in the world we were up early to see our entrance. As soon as we dropped anchor, the Governor's steam launch, carrying his secretary, and the American Consul, Dr. Abercrombie, with his boat, was alongside to welcome and take us ashore. We went with the latter to the Consulate, charmingly located on the hillside overlooking the bay. Here we took tiffin, at which were present the Governor and members of his staff. He told us that he had received instructions from the Minister of Foreign Affairs at Tokio, Baron Mutsu, to show us all necessary attention. Baron Mutsu was Minister in Washington when your father was Secretary of State.

The Governor tendered us a dinner, and told the Consul to ascertain if we preferred it in French or Japanese style. We of course chose the Japanese. The steamer was to be in port only for the day, and he assured us he would see we were on board in time. The dinner was given in a Japanese tea-house or restaurant. We had our first surprise by being met at the entrance by little Japanese girls, who took off our shoes. The floors and mats were too scrupulously smooth and clean to be touched by shoes.

We were ushered into a large hall with a mat in the centre and no other furniture but a few screens. Cushions were on three sides of this mat. Your father, Mr. O——, and I were

seated, or rather squatted, on one side; the Governor, secretary, and chief official of the city were opposite us; our girls, the Consul, and one or two others on the third side. A tall candlestick, with a burning candle, was in front of each person, making quite a dim light. The dinner lasted for over two hours, during which many courses were brought in by dainty little Japanese girls, each placed on a low lacquer stand, in front of the guest, usually four covered dishes on the stand, with chop-sticks. What the dishes contained it was difficult to say, but nothing appetizing for us.

A curious ceremony as part of the dinner was performed by the Governor. First, he crawled or hopped over to your father, who handed him his *sakê* cup; it was filled with *saké* (a native wine or drink); the Governor raised it to his forehead, then bowed low, emptied the cup, and after washing it in a bowl of water near by, handed it back to your father, and crawled back to his cushion. Later in the dinner your father had to repeat the same ceremony with the Governor. We gave him much praise for the agility with which he hopped across the floor!

During the dinner we had music on Japanese instruments, a quartet of girls sang songs, not very harmonious to us, and there was dancing by the girls which was quite graceful, the whole representing a story, unintelligible to us.

At first I was quite comfortable sitting cross-legged on the floor, but after a while one foot went to sleep and then another, with little relief from change of position. The poor Consul, who was a tall, heavy man, suffered agonies, and finally had to abandon the cushion and rest himself by standing. The dinner was most elaborate and expensive, but we welcomed at the end some cold turkey and champagne, which was all I relished in the menu. We took leave of the Governor, with thanks for his profuse hospitality, and hurried down to our steamer. . . .

KYOTO, May 6.

We have seen very much to interest us at Kobe, Osaka, and Nara before coming here. The shops, the old palace, and the country hereabout, are very attractive; but that which we most enjoyed was our visit to the Doshisha College, the outgrowth of the labors of Joseph Neeshima, the Japanese Christian. It has a fine group of buildings, the most imposing we have seen of any similar institution since we left Beirut. Your father made a talk to five hundred students assembled in the chapel, and we afterwards took tea with the professors, their wives, and a number of the missionaries. . . .

TOKIO, May 15.

. . . We, that is your father, Mr. O——, and myself, were to be received by the Mikado or Emperor and Empress to-day, but the Empress was taken ill with bronchitis, and only the gentlemen were received by the Emperor. Mr. O—— was granted audience because he had been a major in the army during the Civil War. Young ladies are not presented at Court here. Our gentlemen report the presentation this morning as a very formal affair. Great reverence and respect are paid the Emperor, and all the Japanese bow to the ground in his presence. He had a little conversation with your father, which did not evince much vivacity. Our party had to go in full dress, white kid gloves and high hats. . . .

Sunday afternoon your father spoke to the Japanese in the Young Men's Christian Association hall, to an audience of about one thousand persons. Many of them understand English, but the address was taken down and interpreted into Japanese. The Association has a fine, large hall; the president of it is the Chief Justice of the Supreme Court; he called to escort your father to the hall, and introduced him. He speaks English fairly well, as very many of the public men do. . . .

We dined a few nights ago with Mr. Dun, our American Minister here, where we met a number of members of the

Cabinet and other public men, among them Count Ito, the first of Japanese statesmen. He speaks English fluently, and made himself very agreeable. He knows our country quite well. We have also dined with Baron Mutsu, the Minister of Foreign Affairs, from whom we have received much attention since we have been in the Capital. His wife was ill, and he asked Mrs. Inouye, wife of an Assistant Secretary in the Foreign Office, to take her place. Mr. and Mrs. Inouye were both the adopted children of Count Inouye, a leading statesman of Japan, but they were taken from different families. They fell in love in their adopted father's household and were married there. . . .

One of the most interesting features of Tokio is the great number of its educational institutions, public, private, and missionary. Among others, we ladies have visited the Peeresses' School for the daughters of the nobility, founded by the Empress, and to which she devotes a good deal of personal attention. Only a few days ago she was at the school from 9 A.M. to 3 P.M., and here she took the cold which deprived me of the honor of being presented to her. We were shown through the various departments; we saw the young ladies taking music-lessons, vocal and on Japanese instruments; they sang and played for us, but it was not music to our ears. We were also shown the "cha-no-yu," or ceremonious tea-making and drinking, a peculiarly Japanese function. . . . We saw also the kindergarten and dancing-class. The teacher who conducted us through the school was a Japanese educated at Bryn Mawr. . . .

While we were visiting the Peeresses' School your father and Mr. O—— went to the colleges maintained by the Methodist and Presbyterian missions, which they report as quite flourishing. At both of them your father addressed the students. . . .

This is our last day in Tokio, and it has been one of the most enjoyable we have had. We were taken in charge by

the Grand Master of Ceremonies and his wife, and were given a garden-party in the Summer Palace of the Emperor, at which we met members of the Diplomatic Corps and many of the society people of the Capital. We were first conducted through the palace and then taken to the garden, where an elegant collation was served. These gardens are perfectly beautiful. No words can describe the attractive and artistic array of trees, plants, and flowers.

We go in the morning to Yokohama, where other social engagements are to be filled, and then we take the steamer for San Francisco. I cannot tell you how much we have enjoyed our month's stay in this beautiful country. We had heard so much of its beauty and attractions that our expectations were high, but they were fully realized.

Our sail across the Pacific Ocean was very agreeable, but uneventful, and we reached San Francisco at the time we had planned when we began the tour. The entire journey had been performed with no serious mishap, and we look back upon it as among the most pleasant and useful experiences of our lives.

## CHAPTER XXXI

### PEACE MISSION TO JAPAN — FIRST CHINESE COMMISSION

As we were approaching the holiday week in Washington, early on the morning of December 23, 1894, I was awakened by the delivery to me of a cablegram in cipher from Peking. As I had been in communication with that Capital about a business matter, I supposed it was not urgent, so I had another nap, then leisurely dressed myself and took my breakfast.

On being deciphered, the cablegram proved to be a message from the *Tsung-li Yamen,* or Chinese Foreign Office, stating that a commission had been appointed to go to Japan to sue for peace, and that the Emperor desired that I should meet the commission in Japan and aid it by my "wise counsel."

When I was in China in 1893–94, I was honored with a reception by the Tsung-li Yamen, and elsewhere met a number of the public men of that country, as mentioned in Chapter XXX. I had also been the counsel of the Chinese Legation in Washington, and had attended to some important business for it; but on inquiring of the Minister he informed me that he knew nothing of the intention of his Government. The cablegram was a complete surprise to me.

I felt greatly honored by the invitation. Upon consultation with my wife, who has always been my first and wisest counselor, we decided that I should obey the summons of the Emperor, unless some official obstacle should arise. It seemed to me the most important duty which had ever been intrusted to me, as it not only concerned two important nations, but was connected with one of the greatest problems of the future — the political relations of the Pacific.

I was then a private citizen, but I deemed it my duty to inform my own Government of the contents of the cablegram, especially as it had been acting as the mediating power between Japan and China during the war. On the morning of its receipt I called on Secretary Gresham at the Department of State. He saw no impropriety in my acceptance of the mission, but suggested that when the fact was made public I should state that I had no connection with or authority to represent our Government. Accordingly when the announcement was made a few days later, the Associated Press, upon my authority, stated that I was going to Japan purely in a private capacity, as an adviser of the Chinese peace commissioners, and that I had no authority to represent or speak for the Government of the United States.

My next solicitude was to know the spirit in which Japan would receive my mission. This solicitude was inspired by two motives. First, I knew that the efficiency of my services would be greatly affected by the attitude of that Government towards me personally. Second, I had been known for years both at home and abroad as a warm advocate of Japanese emancipation from foreign exterritorial jurisdiction. When in Japan in the spring of 1894, Count Mutsu, the Minister of Foreign Affairs, whose friendship I had formed several years before while Minister in Washington, had consulted me about the progress of negotiations with the foreign powers for treaty revision. He said that for some unexplained reason the negotiations at Washington had come to a standstill, and he appealed to me when I returned home to see Secretary Gresham and do what I could to bring them to a successful conclusion.

I reached Washington July 7, and the next day I had a conference with Judge Gresham, with whom I had maintained a lifelong friendship. The explanations which I made to him respecting the pending Japanese treaty were satisfactory, and their effect may be seen in the extract which

I make from a letter written me, July 20, by Count Mutsu: "A few days ago I had a telegram from our Minister at Washington acquainting me of a very favorable and friendly attitude which Mr. Gresham assumed with reference to the question of treaty revision, and I am informed that this dawn of brighter prospects was caused by your powerful influence and kind representation to Mr. Gresham of the true state of affairs in Japan, and in thanking you now for thus rendering me assistance, I indulge to entertain the hope that you may continue to help us in a similar manner in the future."

Two months later a new Minister, Mr. Kurino, was sent out from Japan to Washington, bringing a letter from Count Mutsu to me, in which he said: "The most important work with which he is now intrusted is the revision of treaty, and I request that you may be good enough to take him to your friendly confidence, and render him such assistance as may be deemed most needed in bringing his work to a satisfactory termination." Within a few weeks, and just one month before the receipt of my cablegram from China, the new Minister was able to sign the long-desired treaty. My service in this connection was not professional, but purely of a friendly and personal character.

Under the circumstances, I felt that it was important that, if I undertook the work to which I was invited by the Emperor of China, I should have the Government of Japan understand the spirit in which I assumed it. Hence, after having informed Secretary Gresham and leaving the Department of State, I went direct to the Japanese Legation and had a conference with Minister Kurino, who it may be of interest to know is the same diplomat who conducted the late negotiations at St. Petersburg which resulted in the Russo-Japanese War. I stated to him the object of my visit, and said that I was unwilling to go to Japan on the errand to which I was summoned if it would in any degree embarrass the Government of that country or in any measure imperil my friendly

relations with it. The Minister said he was not in a position either to approve or disapprove of my contemplated visit to Japan, but that he would inform his Government of my purpose, and that he had no doubt I would receive a cordial reception, in view of the acquaintance of its public men with my career and of my well-known friendship for the Japanese. The interview was in all respects satisfactory and reassuring. No official obstacle seemed in the way, and I proceeded with the preparations for the journey.

Later, upon my arrival in Japan, I was gratified to learn that Count Mutsu had authorized a statement to be published in the native press, in which my selection as the adviser of the Chinese Peace Commissioners was announced, and the Count said: "I am very much satisfied with the coming of Mr. Foster, who is my personal friend. With him as adviser there would be no such restrictions in our course of action as would obtain in case we were negotiating with the Chinese Government alone, which is irregular and procrastinating in its methods. Mr. Foster is an experienced diplomatist of unimpeachable character, and his presence will expedite the negotiations very much."

A more hopeless state of affairs for peace negotiations advantageous to China could scarcely be imagined. The populous empire, which had for ages treated its smaller neighbor with contempt, had been utterly routed by an antagonist of one tenth its size in population. Its armies had everywhere been defeated and overwhelmed; its navy had been destroyed; its strongest fortresses captured. The helpless giant lay prostrate before the triumphant Japanese. It would seem that negotiations were out of the question, and that it only remained for the conqueror to dictate the terms. The state of sentiment in Chinese official circles may in part be seen in the following graphic picture extracted from a private letter written me by Colonel Charles Denby, the United States Minister at Peking, dated November 13, 1894, and which was

received by me only two days before my cablegram from the Tsung-li Yamen: —

> The condition of this country is deplorable. It has no soldiers, no arms, no commissariat, no hope. I have had several interviews, public and private, with the members of the Yamen. They are for peace at any price; one day calling on me individually to induce the President to mediate; the next summoning the representatives of five other Powers to beg intervention. . . .
>
> Instinctively China turns to us. The members of the Yamen are great school-boys looking for a teacher. They fear the Greeks (European Powers), even bearing gifts. They know that the United States have no axe to grind. The crisis is the greatest the world ever saw. It is piteous to see a great empire crumble at the touch of Japanese bayonets. It is sad to talk to these people, to have them ask if the Japanese will kill the Emperor, will arrest them, if they should send their families away, if Japan will take all China, etc. I have never heard or read of such utter corruption as pervades all classes of officials, or such complete helplessness.

It must be confessed such a letter was not very cheerful reading for one who was preparing to make a journey to the other side of the globe, in the hope of helping this great empire in the day of its calamity. But a new embarrassment confronted me. The fact of my invitation from the Emperor had become public and at once gained widespread circulation. By the press it was generally recognized as a high compliment to me personally and as a mark of confidence in Americans generally. The impression gained currency that I would be in a position to serve my friends, or such clients as I might select, in the exploitation of grand schemes in China. Hence in the few days before I left the country I was overwhelmed with applications from a multitude of people with all kinds of

projects, some quite feasible, but others entirely chimerical. I can only indicate a few of them.

It was well understood that among other terms of peace Japan would require of China a large war indemnity, which would necessitate a loan by the latter. One of the leading financial firms in New York, with strong connections in European capitals, whose acquaintance I had enjoyed for a number of years, made known to me their willingness to enter upon negotiations for such a loan, and tendered me the use of their cipher code. The war was in the period of the silver craze, and various projects were submitted to me for a silver loan, the press going so far as to state that I had made an agreement with a syndicate to promote such a project; and fearing that it might prejudice my mission, I deemed it necessary to deny publicly all connection with the matter.

The impression was prevalent that peace would be followed by a great demand for shipbuilding, as the Chinese Navy had been destroyed or captured, and it was understood that Japan would use a large part of the war indemnity to strengthen its navy. I was approached by a representative of a leading shipyard of our country with a proposition to secure information for them and a cipher code was offered me. The president of another shipbuilding company, whose name if mentioned would at once be recognized as of the highest financial standing, wrote soliciting my aid, and saying: "I know how highly you are esteemed by our Asiatic friends and that a few commendatory words from you will go far toward the attainment of any object which you are good enough to favor." And in a confidential letter accompanying his formal proposition, he wrote: "It will give me great pleasure to make the compensation due for such results commensurate with their value, of which I should be inclined to leave you to be the judge."

But the most specific proposition of this character was submitted by a person who claimed a personal acquaintance,

if not friendship, with me. The Sparrow Point Bessemer Steel and Shipyard plant near Baltimore was for sale. It had cost seven millions of dollars, and he felt sure it could be had for one million and a half. It could be transplanted bodily to China, or it could be available where it stood to rebuild and rehabilitate the imperial navy. It was a rare chance for him and me to make handsome fortunes.

Another person who lived on the Pacific Coast, and was proud of an acquaintance with me, wrote a long and confidential letter, stating that he was in a position to furnish military equipment in great variety, but he was especially in an advantageous position to supply to either belligerent army horses in lots of five hundred or more on short notice, "choice, well-bred officers' saddle-horses, well-broken and high-headed, or work-horses well-broken, good and reliable." And in order that there should be no favoritism, he inclosed me duplicate formal propositions for both China and Japan.

Offers of newspaper correspondents to accompany me were not wanting, but the most curious proposition of this class was that of a well-known literary gentleman of London, whose name is familiar to Asiatic circles. In his letter he said that he had been writing in behalf of China for twenty years, was the author of two histories of the Empire, and during the past ten months had been busy in the British press in advocating the interests of China. He had written the Viceroy Li Hung Chang, asking him to send two hundred pounds in compensation, but no attention had been paid to his request. He was sure a word from me would bring the desired remittance, and he begged me not to neglect it when I reached China.

Next to the loans and the shipbuilding the most prominent applicants were men with railroad projects for China. One such will suffice. In the beginning of a long letter marked "Personal and Confidential," the writer sought to awaken my state pride, by writing: "I presume that you forget many

Hoosiers, but many Hoosiers do not forget you." After giving his biography, especially as related to his experience in railroading, and inclosing the indorsement of various Senators and other public men, he described himself as "thirty-three years old and a hustling Hoosier, who was anxious to go to China to become identified with her railroad plans and associated with her government officials." After constructing her system of railroads, he would undertake the development of her gold-mines, as he was "familiar with mining and could fill the bill." All that was needed to accomplish these grand schemes was "only a word from you. With these properties, I am sure of making money for myself as well as for some of your Indiana friends you may send me."

To conclude the catalogue, an official of the Standard Oil Company wrote me that they had some business which might require my attention, and that their agent at Shanghai would call on me. This the agent did, but merely with the offer to entertain me during my stay. Unfortunately, however, accommodations had been taken for me at the American hotel.

Certainly some of these offers were sufficiently tempting to my cupidity and may have been flattering to my pride, but I recalled the fact that probably the most successful man of all history had for his motto — "This *one* thing I do"; and I was persuaded that if I was to be of any benefit to my imperial client, I must give undivided attention to the duty to which I had been summoned, and the various schemes of my countrymen had to be put aside.

Cablegrams exchanged with the Tsung-li Yamen informed me that the Peace Commissioners were to leave for Japan early in January, where it was desired I should be on their arrival. It therefore became necessary for me to catch the first steamer across the Pacific; so that on December 29, six days after receiving my first cablegram, I left Washington accompanied only by my private secretary, Mr. John B.

Henderson, Jr., en route, via the Canadian Pacific Railway, to Vancouver.

The ride across the continent, over the Rocky Mountains by the most northern route, in the dead of winter with the thermometer much below zero, was an interesting and exhilarating experience. The steamer *Empress of India*, of the popular Canadian Pacific Line, on which we took passage, gave evidence from its passenger list that this was not the favorite season for travelers to cross the Pacific, as besides ourselves the list was made up of a Boston patent-medicine man and his wife, a German agent from Hamburg of Faber's pencils, and a young lady missionary to China. It was a cold and dreary passage of thirteen days, with rain, sleet, snow, and fog, as we skirted the Aleutian Islands, sailed along the coast of Kamschatka and the Kurile Islands, the forward part of the vessel for the greater portion of the voyage being a solid mass of ice, covering the decks, masts, chains, railings, and everything. But as we entered the beautiful bay of Yokohama on the morning of January 21, 1895, with the bright sun lighting up the crest of Fuji-yama, the tiresome journey was forgotten.

Extracts from a letter to my wife, written on the evening of my first day in Japan, will give a more accurate account of my doings than a narration from memory at this late date.

We reached Yokohama early this morning, and before breakfast the Governor's secretary, accompanied by Vice-Consul Scidmore, came out in the Governor's steam launch to pay their respects and take us ashore. Consul-General McIvor had breakfast waiting, with a cheerful welcome from Mrs. McIvor at the head of the table. Then I went to the hotel, which I scarcely reached when our Minister, Mr. Dun, called, having come down from Tokio expressly to see me. It appears the Minister of Foreign Affairs, Count Mutsu, is anxious to see me as soon as possible and had left a message

with Dun to that effect, he having gone to Hiroshima, where the peace negotiations are to take place.

On my arrival I found a telegram from Chang [the chief of the Peace Commission], saying he was ill, asking me to learn all I could about treaty conditions, join him at Shanghai, and go with the commission from there to Hiroshima. I am a little suspicious his illness is a pretense to gain time. I saw it was necessary to go on to Shanghai by this steamer. I was to leave at 4 P. M., and I must go to Tokio to have a talk with the British and Russian Ministers, and would only have two hours there, and you know with the long distances in Tokio, that was little time. But Mr. Dun telegraphed the British Minister we were coming, so he would be at home; and notified his Secretary, Mr. Herod, to meet us at the station with his carriage.

On our arrival, he sent Herod to notify the Russian Minister I would call at 1:30 P. M., and I went direct to the British Legation and had a pleasant interview with Minister Trench. From there Mr. Dun accompanied me to the Japanese Foreign Office, where I saw the Assistant Minister, Mr. Hayashi [afterward Minister in London], and sent messages to Count Mutsu. Thence I went to see the Russian Minister. Dun feared I would have no time for luncheon, but by prompt arrangements I reached the American Legation and had twenty minutes for lunch, and to see the ladies before the train left, including a brief call on Mrs. Herod, whom you remember meeting when here. I found her with a four months' old boy baby in her arms, engaged in feeding it from a bottle, as the nurse was having a day off — it was "the greatest baby in the world," they told me.

I gave Dun and the rest of them a lesson in prompt dispatch of business. I reached the station in time for the train; on arrival at Yokohama drove at once to the wharf, where the Governor's launch was waiting to take me out to the steamer, which I boarded ten minutes before she weighed

anchor, having had a busy day of it, learning all that was possible from the high dignitaries whom I met, as to the political and military situation. All seemed quite impressed with the important position I am to occupy in the negotiations, and the Japanese Government is apparently disposed to give me much consideration.

On the arrival of the steamer the next day at Kobe, I received a telegram from Chang, asking me to stop there and await their arrival. We accordingly disembarked, and spent eight days in that port. They were passed very pleasantly. The town was supplied with an attractive foreign club having a good library, and I was constantly entertained with dinners and evening parties. It had been the expectation of Count Mutsu to come down and have a conference with me, but that he found not possible, and instead sent Mr. Henry W. Dennison, the diplomatic adviser of the Foreign Office, an intelligent and able American who had held the post for several years. After my interview with Mr. Dennison, I wrote my wife as follows: "I am very much afraid it is going to be difficult, if not impossible, to come to an agreement for peace. The Japanese are greatly elated over their successes and feel very keenly the contemptuous treatment which China has extended to them in the past, and are inclined to humiliate her as much as possible. I suppose the Chinese will naturally resent this, and it is very possible the war will go on."

From the time I landed in Japan up to the day of my final departure, I and my secretary were constantly under the surveillance of the police, usually in citizen's dress. This was a precaution adopted by the Government to prevent any insult or injury on the part of the populace, wrought up to a high pitch of feeling by the war. In a letter which found its way into the newspapers Mr. Henderson, my secretary, thus described an attempt to evade them: "Yesterday I

thought I would give the police the slip and quietly steal away to Osaka, a great city of some half a million population, and then alone see the city in peace. This military escort makes one so conspicuous, it grows annoying. Well, Sano (my most efficient interpreter, guide, and valet) and I left the hotel by a back entrance and drove in jinrikishas through back streets to the railroad station and embarked. Arriving at Osaka two large policemen immediately placed themselves behind me, and for ten hours never left my sight. Behind them some government detectives followed. Thus I headed a procession in my jinrikisha. If I rode, they rode; if I walked, they walked. When I entered two of the theatres they all filed in, and I became a bigger show than the actors. At the theatres they would receive no money from me, gave me the grandee's box, extra mats, a stove to keep me warm, etc. When I entered a shop they stood at all the doors. Henceforth, I abandoned all attempts to evade them."

The Chinese Commissioners arrived at Kobe early on the morning of January 30, by the British Empress Line steamer. The first commissioner was Chang Yen Huan, a Minister of the Tsung-li Yamen and vice-president of the Board of Revenue, who had been Minister at Washington for several years. The second Commissioner was Shao Yu-iien, Governor of the Province of Hunan. They were accompanied by five secretaries, and a suite of attachés, translators, etc., numbering about fifty persons. I found at Tokio that the personnel of this Commission had not impressed the Japanese favorably. Mr. Chang was an able man and his foreign experience fitted him for the duties, but he was not of the highest rank. Mr. Shao's selection was unfortunate, as he was almost an unknown man, his most distinguishing act being the issuance of a proclamation at the opening of the war offering a reward for the head of every Japanese presented to him. There was a feeling openly expressed in the Japanese newspapers that the sending of such a commission did not indicate a serious

intention on the part of China to sue for peace, especially when it was known that the Emperor of Japan had appointed as his envoys Marquis Ito, the Prime Minister and the first statesman in Japan, and Count Mutsu, the Minister of Foreign Affairs.

Nevertheless, the Japanese Government omitted no proper courtesy to them. A steamer was waiting at Kobe to take them to Hiroshima. Before the transfer in the harbor the two Commissioners came ashore to breakfast with me at my hotel and have a conference. At the landing-place and all along the streets to the hotel there were immense crowds of Japanese and foreigners curious to get a glimpse of the envoys. As they started from the wharf there was a little jeering, but the police stopped it at once, and thereafter they were received in silence, every precaution being taken to protect them from insult. In our conference the Commissioners showed me their credential letter from the Emperor. I told them it was not in the form usual among nations, and that if they were disposed to be technical the Japanese might deny their full power to negotiate.

Hiroshima is a few miles inland, and the steamer landed the Commission at the port of Ujina, whence we were escorted by a great array of soldiers to our several quarters. Two large restaurants in the centre of the city were taken for the Chinese Commissioners and their suite, and a house a mile away on the suburbs was assigned to me and my secretary. I extract a description of it in one of my letters: "We have had an interesting experience here. Our stay in a purely Japanese house has been a novelty which we have enjoyed, although we have suffered some from the cold. The house is the noted one of the city, belonging to the Asano family, which was quite famous in feudal times, but with the overthrow of the Shogun they lost much of their importance and are living in retirement. The house contains fifteen or more rooms, with outbuildings for servants. Most of the Japanese



Marquis H. Ito

furniture has been removed and replaced with European furniture, brought for the occasion from the Naval Academy, which is near here, and is that used by the Emperor when he visits the school. The garden is the great show-place of the city, a favorite spot for parties in the summer. It is a marvel for beauty, with an artificial lake, an island containing little Shinto and Buddhist temples, a lotus-pond, bridges and paths, bamboo woods, great cedars and live-oaks, with the curious dwarf trees so peculiar to Japanese gardening. A military guard surrounds the premises, and a retinue of servants, with service in the dining-room in European style."

I called on the Chinese Commissioners on the evening of our arrival and found they had been notified that the Japanese Commissioners would meet them the next day in the *kencho,* or city hall. They had also ascertained that they could not communicate with their Government in cipher, a message sent by Chang in cipher for Peking having been returned. They were also informed that a cablegram was at the telegraph-office, but could not be delivered unless the key was furnished the Japanese Foreign Office. They were greatly excited and indignant, and I promised to see Mr. Dennison about it the next morning, which I did. I told him the order about the cipher telegrams was contrary to diplomatic practice and would be condemned by all civilized nations. He said the order had been adopted in retaliation for the refusal on the part of the Government at Peking to allow the Japanese Chargé to telegraph in cipher at the opening of the war. I replied that there might have been some justification for it on the outbreak of hostilities, but not when both Powers had agreed to enter upon peace negotiations.

The first meeting of the Commissioners took place February 1, the day after our arrival. It was confined to the exchange of the credential letters or commissions. After the Chinese credentials had been carefully examined, a written

memorandum was handed the Chinese Commissioners, asking to be categorically informed in writing whether the full powers or commissions they had just handed in embodied all the authority confided to them by the Emperor of China. The answer, which was sent the next day, was substantially in the affirmative. As soon as it was received an appointment for another conference was fixed by the Japanese for 5:30 P. M.

At this second conference, Marquis Ito read an address of some length, in which he arraigned China for its past conduct, showing want of sincerity and good faith in treaty negotiations, which he alleged had been followed in the present instance; at the same time protesting that Japan was desirous of peace and was ready to negotiate with commissioners clothed with full powers. He then handed the Chinese Commissioners a memorandum setting forth that their powers were defective and declaring the present negotiations at an end. The Chinese protested that their full powers were in the usual form for Chinese envoys, and had been recognized by European nations in treaty negotiations; that it was the intention of the Emperor in giving the credentials to clothe them with full powers; and they offered to have them corrected by telegraph to suit the Japanese.

But all this was to no purpose. They were notified that the steamer would be ready at noon on the fourth to take them to Nagasaki, the nearest port to China. On the morning of February 3 the Chinese Commissioners sent the Japanese Commissioners a written communication, containing statements similar to those made in the conference of the day before. This communication was opened and read by Marquis Ito, and then returned with the statement that, as negotiations had been closed, no further communications could be received from the Chinese Commissioners.

On the night of the last conference I received a note from Mr. Dennison asking to have an interview with me, and by

appointment he came to my house on the forenoon of February 3. The object of the visit was to explain more fully to me the action of the Japanese in refusing to open negotiations with the Chinese envoys. He stated that they had no confidence in the sincerity of the Chinese in suing for peace; cited their past conduct, as Ito had done in his address, and instanced the low standing of the envoys; said Japan was really desirous of peace, and if China would send Prince Kung (President of the Cabinet), or Li Hung Chang, with proper credentials, they would be received; explained that Ito and Mutsu were much restrained by the war-party, which was powerful with the Emperor and insisted that peace should not be made till Peking was captured; and he added that if the envoys indicated should be sent they would be allowed free communication by telegraph with Peking, and that for their convenience Port Arthur might be chosen as the place of negotiations.

The visit of Dennison impressed me that the Japanese did not feel entirely comfortable as to their rejection of the Chinese Commissioners, and desired through me to justify more fully to the outside world their conduct. Another reason for their conduct was not stated by Mr. Dennison. An expedition had been sent to reduce the strong fortress of Wei-hai-wei, and destroy or capture the remainder of the Chinese Navy, which had taken refuge there. Fierce conflicts were raging about that fortress at the very time the envoys were holding their conferences at Hiroshima, and doubtless the Japanese felt that they would be in a better position to make terms of peace after that campaign was successfully terminated.

On February 4 we again took passage on the same steamer which brought us to Hiroshima, and the day following we were landed at Nagasaki, there to await a passenger-steamer for Shanghai. While at Hiroshima and Nagasaki I had frequent conferences with Mr. Chang, in which he gave me many

details of affairs at Peking. He told me that Colonel Denby, our American Minister, was consulted as to the form of the credentials which had been given to him and Shao, that he pointed out their defects, and at his (Chang's) request Denby drew up a proper form of credentials or full powers, but that no one had the courage to tell the Emperor that the credentials given by him were defective, and Denby's draft was not used. Chang also went fully into the condition of internal politics at Peking, explaining the great ignorance at the Court as to the state of the war, the dissensions which existed among the parties or clans, the bitter rivalries, lack of patriotism, and corruption, which went beyond the description Colonel Denby had given me in the letter already quoted.

Our stay of one week in the beautiful harbor of Nagasaki was made very pleasant by a round of social attentions extended to me by various foreign officials and residents, being lodged by our Consul, Dr. Abercrombie. From the time the Chinese Commission reached Kobe till they left Nagasaki, we were in charge of an accomplished official detailed from the Japanese Foreign Office, Mr. K. Inouye. I make the following extract from one of my letters written from Nagasaki: —

Mr. Inouye is untiring in his duties and does everything to make our stay a pleasant one. He would not allow Chang to pay anything, not even to the servants. He has been especially attentive to me, placing me on his right at the steamer's table, etc. I certainly cannot complain of my treatment in Japan.

You remember meeting Mr. Inouye and his wife at the house of Minister Mutsu in Tokio, and of the curious story of their marriage. He told me to-day at dinner an interesting history of the Mutsu family, which illustrates the great stress the Japanese place on maintaining unbroken the family line and history.

Minister Mutsu has a son who is an official of the Foreign

Office. Years ago Mr. Mutsu (the father) took part in a revolution against the Government which failed, and he was punished with imprisonment and deprivation of his family rank, he then belonging to the gentry. But to preserve the family line, the son Mutsu was made the head of the family, and although Mutsu, Sr., was afterwards pardoned, the son remained the head of the Mutsu family. Mutsu, Sr., by faithful service has made himself useful to the Government, and on account of his recent success in the negotiations of the treaties abolishing exterritorial jurisdiction, the Emperor created him a nobleman, with the rank of viscount. This is a higher grade than the gentry rank of the Mutsu family and is also hereditary. Hence, Mutsu, Jr., wants to again become the son of his father, so that he can inherit the title of his father. But to do this his father will have to adopt him as his son, and this cannot be done until Mutsu, Jr. (who has no son), shall adopt a son and transfer to him the headship of the Mutsu family, and he is now looking about for a bright and promising boy to adopt for that purpose, when he will cease to be the head of the Mutsu family and become the heir of Viscount Mutsu. [It may be stated parenthetically that Mutsu, Sr., was made a count after the peace negotiations and died soon afterwards, his son became Count Mutsu, and was for a time Secretary of the Japanese Legation in Washington.]

While I am story-telling, let me give you another which I should have put in my Hiroshima letters. I was told by the American missionaries stationed there that a short time before the Chinese Peace Embassy reached that place, an instruction was sent by the authorities to the teachers in the public schools that the children must be taught that it is not according to the usages of civilization to hoot and jeer at foreigners, and they were cautioned that when the Chinese Embassy came to Hiroshima they must be perfectly quiet and respectful to them. And with the obedience, which in that

country is always shown to the authorities, this instruction was faithfully observed by the children as well as the other inhabitants during our four days' stay there.

When it was known that the mission of the Chinese Commissioners was unsuccessful and that they must return to China, Chang and Shao begged me to accompany them. They felt that their mission was a failure, and doubtless fearing censure, if not punishment, which was visited upon such officials by their Government, they judged that I might be of service to them in explaining at Peking the cause of their failure. As the fiasco was in no measure chargeable to them, I felt that I ought to stand by them in their trouble, and I yielded to their desire. We reached Shanghai February 15, where the Commissioners received instructions relieving them from their duties and ordering them to return to their previous official positions.

The Viceroy Li Hung Chang had, in accordance with the indication of the Japanese Government, been appointed sole peace plenipotentiary and had been summoned to Peking to receive instructions from the Emperor and Empress Dowager. On my arrival at Shanghai I found a telegram awaiting me asking that I be put in communication with the Viceroy, as he desired the benefit of my services in the peace negotiations which he was about to undertake. Mr. Chang became the negotiator between us as to the terms of my employment. In the cipher cablegram of December 23, inviting me in the first instance to come to China, I was asked to name my fee. I replied that I would leave that to the Government after my arrival, and a handsome sum for my traveling expenses was cabled the Chinese Minister in Washington.

On reaching Shanghai Mr. Chang asked me for my bill for services with his Commission, and I named a sum which I thought reasonable, but he said he did not think that sufficient and considerably increased the amount. When we

came to consider the compensation which was to be allowed me for services with Li Hung Chang, I suggested the sum which he had just paid me on his account, which I regarded as quite liberal. Chang replied: "Oh, no; that will never do. The Viceroy is a much bigger man than I am, and he would feel offended if you did not charge him more." It is safe to infer that we had little difficulty in fixing the fee.

I was required to remain at Shanghai for more than two weeks before I could join the Viceroy at Tientsin, on account of ice blocking the navigation. This time I occupied both pleasantly and profitably. Shanghai, as already stated, is the best built and most attractive of all the treaty ports of China; it is the metropolis of its commerce, with important banking, mercantile, and shipping houses, and a large foreign population containing many intelligent and hospitable families.

During my stay there I was much impressed with the advantage of the British consular system over that of the United States. The American Consul-General was a man of decided talent, a good lawyer, and a faithful official. But he had just arrived the year before, on the advent of a new administration at Washington. He had never before been out of his country, with no experience in the service, knew nothing of the Chinese language and little of the people. On the other hand, the British Consul had been trained for his career as a student in the Legation at Peking, had been in the service in China for more than twenty years, spoke and read Chinese, was thoroughly familiar with the characteristics of the people, their history, commerce, and diplomacy. The result was that in the diligent study which I gave to political and commercial affairs, the American official, though quite willing, was of almost no service to me, whereas the British Consul was an inexhaustible mine of personal information, and in his library I found almost every publication I needed.

An incident of my stay at Shanghai similar to the Tata incident at Bombay, illustrates how strongly marked is the

racial discrimination in the Far East. Soon after my arrival the Chinese Commissioners, to show their appreciation of my services and their friendship, Mr. Chang first, followed in a few days by Mr. Shao, gave an elegant dinner in my honor, at a Chinese garden much frequented by foreigners, and among the guests were the American and British Consuls, the foreign Commissioner of Customs, bank presidents, heads of foreign commercial houses, and a few Chinese officials. I naturally felt called upon to give them a return dinner. I had been "put up" at the club, the most complete establishment of the kind in any treaty port. I had frequently dined there, found its cuisine excellent, and it was well supplied with private dining-rooms. So I applied to my friend who had introduced me to the club and had effusively assured me that everything it contained was at my service, and asked if he would kindly arrange to have one of the private dining-rooms reserved for me, which he cheerfully agreed to do. But when I mentioned to him my list of guests, he said, "No, no, that will never do"; and then explained that by the rules of the club all Chinamen were excluded as members or guests; I found too that the proprietor of my hotel was embarrassed by my request for a special table for the purpose in the public dining-rooms. So I had to clear out my private parlor and bedroom, and devote them to dining my distinguished guests; but I found no difficulty in securing the attendance of the British and American officials, bankers, and merchants, habitués of the club, to meet my guests of honor.

The ice had not yet cleared away from the mouth of the Peiho, but the news from Tientsin was that the weather was moderating and the experienced navigators thought we should be able to land on our arrival after the three or four days' sail, so on March 4, I left Shanghai for Tientsin to join the Viceroy on his peace mission to Japan. During the voyage one of Chang's secretaries gave me this insight into Chinese official life. He told me that when the Commissioners

made their report to the Throne at Peking, they closed with the petition that, as they had failed in their mission, they be degraded from their offices and that they be punished for their failure. He said, of course they did not expect this to be done, but, following the practice, they had to ask it. The answer soon came that they were pardoned, that Chang should return to his duties at Peking and Shao go to his province and resume his duties as governor.

## CHAPTER XXXII

### MISSION OF LI HUNG CHANG

As for some months to come I was to be brought into intimate personal relations with the Viceroy Li Hung Chang, a brief reference to his history and attainments may not be out of place.

For more than twenty years before I met him he had been the most conspicuous figure in Chinese affairs, and was undoubtedly the greatest statesman the country produced during the last century. He was a pure Chinese, with no mixture of Manchu blood, and though coming of good family, he owed his promotion to his own efforts. He attained his first prominence during the Taiping Rebellion, so that he was in public life for half a century. Although not a soldier by profession, he was in active command of the military movements during that rebellion and showed much capacity in military affairs.

But he prided himself on being a literary man. In no country of the world is education so much exalted as in China, as it has been for ages the test of admission to public office, and high scholarship is the road to honor and preferment. Though it is the oldest monarchy of the earth, it is the only land which bases its aristocracy on letters, and in this respect is theoretically the nearest approach to a pure democracy.

Li Hung Chang successively passed through all the grades, coming out with high honors at the Peking examination among twenty thousand competitors. He was also a member of the Hanlin College, which corresponds somewhat to the French Academy. He, therefore, had reason to take pride in his accomplishments and standing as a scholar.

Aside from his distinguished services and his high offices,

the Viceroy was a man well suited to be placed at the head of the Imperial Peace Embassy. Though seventy-three years of age, he was in a fair degree of health and vigor, of fine physique, over six feet in height, of commanding presence, erect and stoutly built, with dark, piercing eyes, a face strongly moulded and indicative of strength of character, and would command attention in any foreign circle. Dressed in his flowing parti-colored silken robes, and his hat decorated with a brilliant diamond and the three-eyed peacock feathers, his was a figure which delighted the eyes of his countrymen and becomingly impressed the Japanese.

No man in China was so well fitted to discharge this high diplomatic trust which involved the fate of the Empire. In 1870 he was sent to arrange with France and the other Powers the claims growing out of the terrible Tientsin riot, and from that time onward he conducted or participated in every important treaty negotiation or diplomatic controversy of his Government. Having his residence at Tientsin, the seaport of the Capital, he stood as a sentinel on the outpost of the Forbidden City, and for his secluded Emperor held intercourse with the outside world. Ten years before, when Korea threatened to involve China and Japan in war, Marquis Ito was sent to Tientsin to arrange with the Viceroy a settlement, and the same diplomats were again to meet, but now on Japanese soil and under very different circumstances.

A private letter of mine, written on March 10, gives an account of my first audience with the Viceroy, on that day, after my arrival at Tientsin: —

This morning, agreeable to appointment, I went to the Yamen to call on the Viceroy Li, our Consul having furnished me with the proper official chair. I was accompanied by the Viceroy's secretary and interpreter, Mr. Lo Feng-luh, who you remember interpreted so well at the banquet the

Viceroy gave us last year. On our arrival, Lo left me and entered at a side door, saying I must remain in my chair till the large double doors were opened, as, having been Secretary of State, I must pass in through the grand gateway. Soon the large doors swung on their hinges, and in I passed, was met by Lo and Wu [Wu Ting-fang, afterwards Minister to the United States], and escorted through a series of passages and halls to the reception-room. First Mr. Chang, who is stopping with the Viceroy, entered, had a few words with me and then withdrew. Soon the Viceroy appeared and received me most cordially. He began the conversation by expressing his thanks for my kindness in coming on so long a journey to serve his country in her hour of need. In a little while Chang returned and took a seat on the right of the Viceroy, I being on his left, the place of honor, as you know, according to Chinese etiquette.

Our interview lasted over two hours, in which we went over the various questions involved in the peace business, the Viceroy showing a pretty clear grasp of the questions, much better than Chang or any other Chinese official with whom I have been brought in contact. He is undoubtedly the best man to whom China could intrust the delicate and important business.

He was very complimentary and kind to me; stated that the Diplomatic Corps at Peking (whence he has just returned) congratulated him on having me to assist him; and he added that he relied greatly on me to make his mission a success. He said we should renew our conversation on the steamer and have further opportunity on the journey across to Japan to confer on the business; that he wanted me to consider myself a member of his family; that he was a plain man, not fond of form or ceremony; and he hoped I would feel entirely at home with him on the steamer. He persisted in accompanying me to the outside hall of the Yamen, and took leave of me only as I entered my chair.

Mr. Chang and Liang, his secretary [afterwards Minister at Washington], have just been in to say good-by, as they start for Peking in the morning. I am quite sorry to part with them, as we have been together for more than a month and have become quite attached to each other. Chang says that our sailing-day has been changed from the fifteenth to the thirteenth, as the astrologers tell the Viceroy the thirteenth is a more auspicious day. So it has been determined to try to hoodwink the gods by making a pretense of beginning the journey on the thirteenth, though we shall probably not cross the bar till the fifteenth or sixteenth.

The Viceroy, although going as the defeated party, was not unmindful of his country's greatness nor of the Oriental fondness for display. It required two merchant steamers, chartered for the voyage, to carry the embassy retinue of one hundred and thirty-five persons, among whom were two Chinese ex-ministers to foreign courts, four Mandarin secretaries, speaking English, French, or Japanese, a score of translators and copyists, a Chinese and a French physician, a captain and body-guard, a Mandarin chair of highest rank and its bearers, cooks and servants in liberal numbers. Before the steamers sailed, the local officials came on board to take leave of the Viceroy, and here I had a good opportunity to witness the ceremony of the *ko-tou,* or *kow-tow.* Each subordinate official as he approached near to the Viceroy, who was seated, prostrated himself at full length on his hands and knees and struck his head on the floor of the cabin. To me as a fellow man it was a sad and mortifying spectacle.

A three days' sail brought us to Shimonoseki, the place designated by the Japanese for conducting the peace negotiations. It is situated on a narrow strait formed by the proximity of two of the largest islands of the Japanese group, and is the entrance from the west to the Inland Sea, one of

the most picturesque waters of the globe. This port nestles at the foot of a mountain range, in the midst of most charming scenery, and is associated with an event of no mean historic interest. It was at this narrow entrance one of the *daimios,* in pursuance of the old policy of exclusion of foreigners, in 1863 sought to block the passage of foreign commerce, and the British, American, and other naval forces bombarded the forts and opened the highway of the seas. In the negotiations which attended that engagement, Marquis Ito, then a young man just returned from his studies in Europe, participated as interpreter in behalf of his defeated and humiliated countrymen. And after more than thirty years, as the Prime Minister of a rejuvenated and triumphant nation, he again appeared at Shimonoseki as a negotiator.

The Viceroy, when he landed at this place, for the first time set foot on foreign soil. Every preparation possible for our comfort and convenience had been made by the Japanese. It is a city crowded in by the mountains along the seashore, with inhabitants wholly Japanese, as it is not a treaty port and therefore without facilities for entertaining foreigners. A large Buddhist temple with its numerous cloisters was reconstructed and fitted up in good Chinese style, and made the home of the Viceroy, his suite, and retainers. The only European-built house in the city was assigned to me and my secretary. Throughout, from the reception-room to the dining-room and kitchen, it was furnished for the occasion in European style, thoroughly neat and comfortable. It stands just above the Viceroy's quarters, perched up on a hillside, reached by a stairway of about one hundred and fifty stone steps. From the front porch there was a beautiful prospect. The whole of the bay of Shimonoseki was at our feet and in full view, crowded with steamers, sailing-vessels, and steam launches; the town below stretched far away; and the scene was shut in by the mountains on every side.

A delicate attention of our hospitable entertainers was that, during the four weeks we occupied this villa, every morning a Japanese gardener took out the vases of flowers which had been placed in all our rooms, freshened them up, and returned them to their places.

Shimonoseki was reached on the morning of March 19, and on the same day notification in writing was exchanged of the arrival of the respective plenipotentiaries, and the first conference was fixed for the next day at 3 P. M. The Viceroy Li was the sole plenipotentiary of China, and on the part of Japan Marquis Ito and Count Mutsu, the same who had met the Chinese Commissioners at Hiroshima. At the first conference the credentials were exchanged and found to be satisfactory, whereupon the Viceroy submitted, as a preliminary to the peace negotiations, a plan of armistice providing for a complete suspension *in statu quo* of hostilities. Marquis Ito promised to give the Japanese reply at the conference fixed for the next day.

On the twenty-first, the Japanese submitted a counter-proposal for an armistice, which was the surrender of Shan-hai-kuan, Taku, and Tientsin to the Japanese army, with the railroad connecting them, which would open Peking to the unobstructed occupation of the Japanese. The Viceroy at once said the terms were too harsh for China to accept, and proposed to enter at once on the peace negotiations. Ito said if this was done hostilities would be pushed, and the subject of armistice should not be again considered. Upon reflection Li thought best to refer the question to his Government and let it assume the responsibility. An adjournment was had for three days for this purpose.

A reply was received from Peking rejecting the Japanese proposal, and it was delivered in writing at the third conference on March 24. The Viceroy then asked for the Japanese conditions for peace, which the plenipotentiaries said were prepared. After considerable verbal discussion it was agreed

that the armistice should be dropped, and the conditions of peace should he handed in at the meeting fixed for ten o'clock the next day. During the discussion Ito announced that a Japanese expedition was on its way to attack Formosa.

Something may be seen of the spirit of the negotiations from the extracts I make from the "Verbal Discussion," of which notes were taken and carefully revised at the time: —

Viceroy Li. — If the terms of peace involve the interests of any other country, it would be well to proceed cautiously.

Marquis Ito. — Why?

Li. — Many difficulties may arise. I mention this because of the long intercourse between our countries.

Ito. — This is entirely our affair. Other countries must not meddle with what does not concern them.

The vision of the Russian Bear might have been in the Viceroy's mind, but he only mentioned his belief that England would not take kindly to the Japanese occupation of Formosa, so close to Hong Kong.

The following extract has interest for all Americans who admire their great general: —

Viceroy Li. — War exists, but it must end in peace, and we should hasten the end. Last year before the war broke out I pleaded for peace — but all too late.

Marquis Ito. — War is an evil, though sometimes unavoidable.

Li. — Far better avoided. When General Grant, ex-President of the United States, visited Tientsin and we became friends, he said to me: "The loss of life in the rebellion in my country was so terrible that after I became President I was always anxious to avert war and have ever since advised others to do so. Your Excellency won fame in suppressing the Taiping Rebellion, yet I urge you to

beware of entrance to a quarrel which might lead to war." I have always tried to follow this excellent advice. Your Excellency well knows that I was opposed to this war.

Ito. — War is a cruel and bloody business; yet there are times and conditions in the intercourse of States when there is no help for it.

Li. — It is barbarous, and the perfection of modern weapons adds to the slaughter. I am too old to relish such things. Your Excellency is in the prime of life and feels the impulse of martial ardor.

Ito. — How easily peace might have been made at the beginning.

This reference to General Grant recalls the fact that during his visit in 1879 he exerted his personal influence to preserve peace between China and Japan, when they seemed to be on the point of war over the Lew Chew Islands. He was so highly esteemed in China that every year the Chinese Minister in Washington makes a journey to New York, by direction of his Government, on Decoration Day and places a wreath on his tomb.

On the return of the Viceroy to his quarters from this third conference he was the victim of what barely escaped being an international catastrophe. A private letter written by me the day after the event gives the details: —

As the Viceroy was returning from the peace conference, at 4:20 P. M. yesterday, about one hundred yards from his lodgings in a narrow street crowded with Japanese, he was fired upon in his sedan chair by a Japanese fanatic. The shot took effect about an inch below the left eye and penetrated so far the surgeons have up to this writing not been able to extract or locate the ball. The Viceroy was not disconcerted by the shot, but kept his seat, quietly asking one of the chair-bearers for a handkerchief to stanch the flow of

blood, and without interruption he was carried into the temple, and stepping out of the chair walked to his own apartment where he lay down upon a lounge to enable the surgeons to probe the wound.

I arrived just as this operation was being performed. He took me by the hand and gave me a smile of recognition. While the surgeons were probing, they asked if it pained him. He replied: "Never mind the pain — go on with your work." They failed to extract or even to locate the ball. After allowing him an hour's rest, with the aid of a surgeon from the Japanese hospital with new instruments, they went at the probing again and worked away for near fifteen minutes without success. During it all he showed great fortitude. We all admired his coolness.

During the evening I had quite a little talk with him, in which he told me he had been warned by his friends not to come to Japan, as attempts would be made to assassinate him; but that Colonel Denby, the French Minister, and others assured him there would not be the slightest danger. "And now," he said, "you see how it is."

The Chinese secretaries and suite were quite excited and alarmed, and were disposed to charge the Japanese Government with responsibility for the crime, or at least with carelessness. I have been exerting myself to quiet and reassure them of safety, cautioning them not to make charges against the Japanese Government, as it disapproves and deplores the act as much as any Chinese. At first they were quite panic-stricken, and thought it would be unsafe to go on the streets or to the place of conference, but I told them they must make no change in their conduct, as there was really less danger than before the event, since the police and soldiers would be more vigilant.

To-day when I saw the Viceroy, I found him inclined to be resentful about the attack. I sought to quiet him and defend the Japanese Government. I told him his suffering would be

for his country's good, and he, an old soldier, knew how to endure it; and that in my opinion the attack would turn out for the benefit of China, as Japan would be less exacting in its terms. The idea seemed to quiet him. I think my presence has been of service, as the Chinese were for a time in great fear and might have committed some grave indiscretion.

No government or people could have acted more nobly than have the Japanese in this trying affair. Ito and Mutsu, as soon as they heard of the shooting, came to the temple to express to Lord Li, the son of the Viceroy, their condemnation and sorrow. They showed by their manner that they were greatly troubled and mortified; as Mutsu said to me, they had no words in which to express their grief and shame. As soon as the Emperor was notified, he dispatched the surgeon-general of the army and his own private physician, and the Empress sent two female trained nurses, with bandages, etc., prepared with her own hands. They reached here early this morning on an express steamer and reported at the temple. At first the old Viceroy looked askance at the neat little Japanese nurses, but they set to work at once to dress his wound, and altogether he seems mollified and pleased with the imperial care bestowed on him.

The assassin was an irresponsible and erratic fellow who had been wrought up to a high pitch of patriotic fervor by the war, and when he heard of the coming of Li he resolved to kill the man whom he regarded as his country's greatest enemy. It did not appear that he had any accomplices, but, without informing any one of his intentions, he left his home in a distant part of the island, came to Shimonoseki, and seized the opportunity of the Viceroy's return from the conference to attempt his assassination. He was given all the forms of a trial, confessed the crime, was convicted, and sentenced to imprisonment for life, the severest punishment authorized by Japanese law.

To "lose face" is a common term, in Chinese social and political life, to indicate any discomfiture, loss of prestige, or shame. The morning after the attempt to assassinate the Viceroy, when the alarm and excitement attending the assault had been somewhat allayed, I had a long conversation with him, while yet the attending physicians were uncertain whether or not the wound might prove fatal. He did not seem concerned about his life or worried over the pain he was suffering; what weighed upon his mind was that he, the greatest man in the greatest empire of the world, had been shot down on the public streets of a foreign city by a miserable wretch, a common assassin, a man of no rank or standing. "I am forever disgraced," he said; "I am neither protected nor respected in this land; I ought to have remained at home; I have lost face with my people." And he seemed little reconciled when I insisted that the wound which he had received in the face must ever be regarded as a mark of honor, an insignia and sign of the great and perilous service he was rendering his Emperor. But as time passed and the wound rapidly healed, he became more reconciled to the event, especially in view of the high respect and attention received from the Japanese Emperor and Empress. So that later, when the attendants exhibited the jacket and skirt saturated with his blood and the handkerchief with which he sought to stanch the wound when assaulted, he gave orders to have them folded up and carefully preserved. And after my return to America he sent me a photograph, showing plainly the pistol-shot wound just below his left eye. His was the most effective shedding of blood on the Chinese side during the entire war, as it brought to him the sympathy of the whole world, and made the Japanese plenipotentiaries more considerate of him, if not less exacting in the terms of peace.

A marked characteristic of the Chinese race is their belief in the spirits or powers with which their imagination peoples the air, earth, and waters, and their belief that they may be

influenced by incantations and the observance of crude forms and ceremonies, and their practice of medicine is largely based upon these superstitions. It is a characteristic which pervades all classes, high and low, and it did not seem strange to me that the Viceroy, educated exclusively in his own country, should participate to a certain extent in this feeling. The assault on his life gave occasion for some manifestation of it. As already indicated, he had the benefit of the highest skill of modern science. But the news went abroad that it was found impossible to locate and extract the bullet, which was really the case; and a friend, a viceroy, telegraphed him from Shanghai that there was a celebrated necromancer there who could extract the bullet without pain. He at once cabled that he be sent over by the first steamer; but by the time he arrived the wound had so far healed as to give no uneasiness, and his staff physicians, as jealous probably of their craft as of the Viceroy's reputation, supported by the European educated secretaries, persuaded him that the necromancer's incantations were unnecessary, if not ineffective.

The Viceroy was overwhelmed with messages of regret and sympathy from the highest to the lowest of Japanese officials. The Emperor sent him an imperial rescript, signed with his own hand and attested by all his ministers of state, in which he expressed his "most profound grief and regret that there should have been a ruffian base enough to inflict any personal injury upon the Chinese Ambassador." The Field Marshal and Minister of War declared, "The scoundrel has undone the great achievements of the nation." The local authorities sent their regrets, accompanied with presents of poultry, fruits, and vegetables, according to Japanese custom.

To all of these the Viceroy, through his son, made suitable replies. An extract from one sent in answer to the letter of the Japanese Christians of Nagoya will suffice to indicate their spirit: "My father is deeply moved by the sentiments of kindly solicitude for his welfare expressed in your address, and

feels that the prayers you have offered for his recovery cannot have been unheeded by the Power who controls human destinies. He believes that his life has been spared to him for some wise purpose beyond the capacity of man to fathom, but he will venture to interpret his good fortune as an indication that his life's work is not yet complete; that he may yet do some good in the world; and perhaps render service to his country by endeavoring to restore peace and good will where strife now prevails."

The assault was made on March 24, but the Viceroy was not able to leave his quarters until April 10, when the fourth conference was held; but the negotiations were not greatly delayed on that account. On the very evening he was shot, he dictated and signed a communication to the Japanese plenipotentiaries which I prepared, expressing regret that he would not be able to attend the conference fixed for the next day, but asked that the memorandum, containing the promised conditions of peace might be sent to him, assuring them that it should have his prompt consideration. The reply of the Japanese plenipotentiaries, sent the next morning, was that, in view of the lamentable event of the day before, they must first take the orders of their Imperial Majesty, and for that purpose Marquis Ito had gone to Hiroshima.

Two days later, Count Mutsu informed the Viceroy in writing that His Majesty, in his deep grief at the deplorable occurrence of the twenty-fourth, had commanded his plenipotentiaries to consent to an unconditional armistice; and two days later a convention declaring a complete suspension of hostilities for twenty-one days was signed. This was in effect the request made by the Viceroy at the first conference and rejected, and was a substantial evidence of the sincere sympathy of the Japanese. It proved a balm to the wounded Chinese statesman, and cleared the way for the peace negotiations.

In view of the Viceroy's disability, the Chinese Govern-

ment conferred joint powers as a plenipotentiary upon his son, who had accompanied him on the mission, Li Ching-fong, familiarly known as Lord Li. He had been Minister to Japan, had traveled in Europe, and spoke English fluently. His tutor was Mr. W. N. Pethick, a cultivated and intelligent American who had been for years attached to the Viceroy as secretary and interpreter, and proved a valuable member of the Peace Embassy. During the Viceroy's disability, Lord Li held several informal interviews with the Japanese, and joined with his father in signing the final treaty of peace.

On the very day the armistice convention was signed, the Viceroy again addressed the Japanese plenipotentiaries, asking that the conditions of peace be sent him, or, if that could not be done, requesting them to come to his quarters for conference. On the second day after this request was made, the memorandum containing the Japanese conditions of peace was sent to the Viceroy, in the form of a treaty draft.

These terms were exacting in the extreme and very humiliating to China. The Viceroy was overwhelmed with the severity of the conditions, was very despondent, and seemed to despair of an agreement. I insisted to him that the case was by no means hopeless, that a good answer could be made to several of the demands, and that I believed we could force the Japanese, out of their own sense of justice and their regard for the good opinion of the Christian nations, to make important modifications. He seemed somewhat encouraged by my confident tone, and intrusted to me the preparation of a reply which he would submit to the Japanese memorandum.

During my stay in Japan and at Shanghai I had improved every opportunity to ascertain the probable terms of peace and to prepare material to resist the anticipated harsh conditions. My frequent and intimate intercourse with the Viceroy had also made me fully possessed of his views, and when the treaty draft was received, I was already prepared to undertake the task intrusted to me. Within two days I submitted

to the Viceroy a memorandum of some length reviewing in detail the Japanese treaty draft. After being translated into Chinese, I carefully went over it with the Viceroy, and was gratified to have him accept it with only slight verbal changes. And on the fourth day after receipt of the treaty draft, the Chinese reply was transmitted, a proceeding unusually prompt in Oriental diplomacy.

This document remained throughout the negotiations the substantial reply of China to the Japanese demands. It related especially to three subjects: Cession of territory, indemnity for the war expenses, and commercial privileges. It showed that Japan was demanding cession of territory which it had not occupied by its armies, a claim not usual in warfare. It established the fact, by official documents and statements in Parliament by Prime Minister Ito, that the indemnity asked of three hundred million taels was more than double the cost of the war. It showed that most of the commercial privileges claimed were such as were not warranted by the practice of nations, and this assertion was supported by the admissions of the British Government, which had been the most exacting in the Orient as to trade privileges.

The effect of this document on the Japanese was most favorable. Without following the negotiations through the various conferences and exchange of notes, it will suffice to say that they withdrew the demand for cession of territory in Manchuria. A reduction was made in the war indemnity of one hundred million taels, with a considerable abatement of interest and terms of payment. The attempt to secure the repeal of the interior taxes on merchandise was abandoned. A number of places asked for in the new list of treaty ports were dropped, including Peking, greatly to the relief of the Chinese. The demand for the navigation, by Japanese steamers, of certain of the interior waters of China was withdrawn; and the occupation of Mukden, the ancient Manchu Capital, as hostage for the payment of indemnity, was not

required. These concessions made by Japan were a great relief to the Viceroy, and materially softened the terms, severe as they still were.

There were many incidents of the negotiations worthy of mention, but only a few of them can be noticed. Much has been heard of late respecting the "yellow peril" — the development in warfare and the confederation in government of the hundreds of millions of the Monoglian peoples, until they shall become a real menace to the peace and safety of Christendom. This subject was more than once referred to in the negotiations. In the very first conference the Viceroy developed the idea, as the following extract shows: —

Viceroy Li. — On the Asiatic Continent, China and Japan are close neighbors and the written language is the same. Is it well that we should live at enmity? . . . We should follow the example of Europe, increase our armaments and confederate. If Your Excellency and myself thoroughly appreciate this, we cannot but conclude that the policy which should rule the Asiatic Continent is that we should establish an enduring peace in order to prevent the yellow race from succumbing to the white race of Europe.

Marquis Ito. — I indorse Your Excellency's views with all my heart. While I was at Tientsin ten years ago I discussed with Your Excellency upon reforms in China, but I regret to see that nothing whatever has been done.

Li. — I remember . . . yet, shame to say, ten years have wrought no changes — a proof of our incapacity; while Japan has organized an efficient army after Western models and is constantly perfecting her government.

Ito. — Heaven is impartial and speeds the right. If China will but make an effort, help will come from on High. Let there be the will, and Heaven, who cares alike for us all, will not forsake you; thus a nation may control its own destiny. . . .

Li. — Suppose China were to invite you to be her Prime Minister?

Ito. — I would accept with my Emperor's permission.

This subject was again reverted to in the memorandum on the Japanese treaty draft just discussed. I knew so well the Viceroy's views that I sought to impersonate them in the concluding paragraphs, as follows: —

I have served my country for half a century, and it may be I am nearing the end of my days. This mission is probably the last important service I shall be permitted to render my sovereign and his subjects. It is my sincere desire and my highest ambition to reach such a conclusion of our negotiations as will bring lasting peace and friendship to the peoples and governments which we represent. We should listen to the voice of reason; we should be so controlled by the highest principles of statesmanship as to safeguard the interests and the future welfare of these two great peoples, whose destinies and happiness for many generations are now in our hands.

It matters little to Japan whether she to-day receives a larger or smaller indemnity, or whether she enlarges her boundaries by the annexation of a greater or smaller portion of the territory now within the reach of her armies; but it is a matter of vast moment to her future greatness and the happiness of her people, whether or not by the negotiations now in hand her plenipotentiaries make of the Chinese nation firm friends and allies or inveterate foes. As their representative I stand ready to join hands with their excellencies the plenipotentiaries of Japan, in making such a peace as will leave no seeds of enmity to spring up and curse us in future generations, and such a peace as will bring honor to us and blessing and enduring friendship to the two great nations of the Orient.

I give now from one of the conferences a specimen of Oriental civility: —

Ito. — I was born here.

Li. — What, in this district? How far from here?

Ito. — About twenty miles.

Li. — Then this is the birthplace of famous men.

Ito. — But not to be compared with the Province of Auhui in China [Auhui was the birthplace of the Viceroy].

Li. — Auhui resembles this province, but has produced too many unsuccessful officials.

Ito. — Say rather you would have surpassed me.

Li. — What you have done for Japan I wanted to imitate in China. Had you been in my place you would know the unspeakable difficulties met with in China.

Ito. — There I should have failed.

The Oriental fondness for metaphors is seen in this repartee: —

Li. — If you take our revenue, why should you demand indemnity also?

Ito. — We cannot help it.

Li. — It is like rearing a child and expecting it to grow without food. It will die.

Ito. — China and childhood do not make a happy metaphor.

Li. — China is helpless and poor, very like a child.

Again: —

Li. — Why such headlong haste about Formosa? The plum is already in your mouth.

Ito. — But we shall hunger for it until we have bolted it down.

Li. — One would think two hundred millions of taels enough to satisfy your cravings.

In the conferences the Viceroy struggled hard and persistently for better terms, evading positive committal, and the Japanese patience was sorely tried, as in this instance: —

Ito. — I must ask you to answer me yes or no.
Li. — Surely discussion will be permitted?
Ito. — Discuss as you will, positively no reduction.
Li. — Think of my embarrassments.

Again: —

Ito. — Time is pressing for longer discussion. If you can accept our terms, well and good, but if not, we must consider them refused.
Li. — Will you not allow me to discuss them?
Ito. — Discuss them if you like; our decision cannot be altered in any particular.

It was a frequent comment during the war that the Chinese possessed no patriotism and were unwilling to make sacrifices for their country. Some of the events of the contest gave color to that statement, but I regard the mission of the Viceroy as one in the highest degree patriotic and heroic. It was a mission which all the public men of the Empire avoided, because they knew it would be almost certainly fatal to the future standing of him who undertook it. The sequel proved it to be one of peril. During the negotiations, although representing the defeated party, not even a jingo or chauvinist could have been more ardent in his devotion to his cause than the Chinese Plenipotentiary, and no one more untiring in his efforts to save his country from humiliating terms.

At times it seemed as if no agreement could be reached,

and when I represented the extreme danger to the reigning dynasty and to the autonomy of the empire if the war should be renewed and the contest prolonged, the old spirit of the soldier would break out and he would declare that Japan could never conquer China; that if the negotiations failed, the Emperor and Court would retire into the mountains of the Province of Shansi; and the Government could prolong the contest indefinitely; that it mattered little if a few millions of men were sacrificed; and that ultimately the Japanese would be forced to grant an honorable peace.

As I have stated, the Viceroy and I went over very carefully the memorandum in reply to the Japanese treaty draft, — he stretched upon a lounge, still suffering from his wound. When he reached the last paragraphs which I have just cited, making his closing appeal, he rose from his couch, grasped me by the hand, and with his eyes glistening with tears thanked me in most earnest terms for so carefully expressing his genuine feelings. He was to me in that scene the embodiment of high patriotism.

Our four weeks at Shimonoseki were not given up entirely to negotiations. There were frequent lulls in diplomatic affairs. It was the habit of the captains of the steamers on which we came over, one an American and the other an Englishman, frequently to drop in to tiffin at my cottage; and we had many a sailor's yarn spun. One of them was as follows: —

Captain P., commanding one of our steamers, was a Maine Yankee, a genuine American skipper, who had spent fifty years in China, and had made the voyage over the Yellow Sea between Shanghai and Tientsin over six hundred times. The Viceroy's native place was on the Yang-Tse River, above Shanghai, and he frequently made a journey thither from Tientsin on business or to worship at the tomb of his ancestors; and it was his invariable custom to make these journeys on Captain P.'s steamers, as he had implicit con-

fidence in the latter's seamanship and became greatly attached to him as a traveling-companion. In one of these voyages the Viceroy noticed the ship's barometer, and, asking the Captain its use, was told it was to indicate or predict the weather, and, in answer to more detailed inquiries, was informed that the ship's movements were often regulated by it, as for instance in delaying or advancing its departure from port, or in taking shelter to avoid the terrible typhoons so prevalent on that coast. The Viceroy was very much impressed with the instrument, and had the Captain write down carefully the directions how he might obtain one.

The Chinese attach great importance to the selection of a propitious or lucky day on which to begin a journey or great undertaking. This was shown in the effort to select a propitious day for our sailing from Tientsin. Sometime after the voyage on which the Viceroy's attention was fixed on the barometer, Captain P., being at Tientsin, received an invitation to spend the day and dine at the Yamen, the viceregal residence. He had often before been invited to the Yamen to have a cup of tea and tell the news of Shanghai and the lower coast, but never before to dinner. But the Captain accounted for this unusual honor by the fact that in his long employment in Chinese waters he had several times rendered important services to the Government and the Viceroy, and the secretaries of the Yamen had hinted to him that it had been determined to confer upon him an order and decoration, and that sometime before directions had been given for the gold medal, and the Captain concluded that the time had arrived for his decoration. In the Orient, as in some other quarters of the world, decorations are highly prized, and the Captain went to the Yamen in the best of spirits. Soon after his arrival and when the customary cup of tea had been drunk in the presence of a crowd of officials and servants, in walked a lackey bearing a neat box on a salver. The Captain thought, "Here comes my order and gold medal"; but when

opened it proved to be a barometer, an exact duplicate of the one on his ship. The Viceroy told him to examine it and see if it was all right, which he did and reported that it seemed to be in good order and perfect. Then the Viceroy said he had to make a journey to his native province to complete the burial ceremonies to his mother in about two and a half months, and he wished the Captain would study the instrument and tell him what would be a propitious day on which to undertake his journey. The Captain was dumfounded. He saw at once the Viceroy had totally misapprehended the functions of the barometer, and had doubtless told his official family and friends that he had obtained a wonderful foreign instrument which would be able to forecast the future without the uncertainty of his astrologers whom he had found so often unreliable. If the Captain had observed more Chinese cunning and less Yankee truthfulness, he might have invented a story to have tided him over the emergency, but he felt it to be his duty frankly to explain that the barometer was seldom to be relied upon for indications beyond twenty-four hours, and that it was of no use for two and a half months in advance. As he proceeded with his explanation, the Viceroy began to scowl, and before he had finished, his face was a terror to behold. He snatched the barometer from the Captain's hand, threw it with a fierce imprecation to the servant and ordered it out of the room. The Captain, he felt, had caused him to "lose face" with his people; hence his towering rage. The Captain at once saw his further presence was not agreeable, and he soon took leave, minus his dinner. Nothing further was ever heard of the order or gold medal, and the Viceroy from that day forward never traveled on his ship.

Finally the long conferences and exchanges of notes came to an end, with the Japanese ultimatum that no further concessions would be considered. The text of the treaty

as finally modified was telegraphed in full to Peking, and instructions were sent to the Viceroy to sign it. The signatures and seals of the plenipotentiaries were affixed to the treaty in the conference room, without any special ceremony, at ten o'clock on the morning of April 17. I have been told that the conference room at Shimonoseki is preserved with great care and set apart exclusively as one of the historic show-places of Japan.

At two o'clock on the same day the Viceroy, his suite, and myself went on board the same steamers which brought us, and we sailed away on our return to Tientsin, having occupied four memorable weeks at Shimonoseki, henceforth to be noted as the place where the treaty was signed which was to have a marked influence on the destinies of Asia and the Pacific.

A notable feature of the negotiations, both at Hiroshima, and Shimonoseki, was the general use made of the English language. Ito, Mutsu, and the Chinese secretaries spoke it freely, and in the conferences it was the language of communication. It was necessary to interpret what occurred into Chinese for the information of the Viceroy, and his replies were interpreted into English, not Japanese. All the formal documents exchanged were accompanied by an English translation, and when haste was required, English only was used.

## CHAPTER XXXIII

### RATIFICATION OF THE TREATY BETWEEN CHINA AND JAPAN

A SIXTY hours' pleasant sail brought us to the bar at Taku, and thence by rail we reached Tientsin. My private letter of April 20 gives this account of our arrival: "They gave the Viceroy a grand reception, as if he was returning from a great victory, in place of signing a humiliating treaty of peace. The Taku forts saluted, the military lined up along the railway at a 'present arms,' the officials paid their respects with the *ko-tou* and full deference, and all Tientsin seemed to be at the station to welcome him with bands of music and artillery salutes. He may still continue the 'Great Man of China.' He certainly is in many respects a remarkable man."

Such was the outward welcome of the people among whom he had spent so many years of his official life and where he had reigned supreme. But when he reached his Yamen, met his official family, and read his correspondence, those outward demonstrations were turned to deep forebodings. He was informed that the viceroys of provinces and most of the generals had memorialized the Throne against the treaty, and he became greatly alarmed as to its ratification by the Emperor.

My advice and that of those of his associates and friends who dared to speak frankly to him was that he should go in person and at once to Peking, and by his acknowledged ability and commanding personality meet and defeat the opposition. But he seemed to lose courage in the face of the storm and decided to remain in his Yamen at Tientsin. In place of going himself, he asked me to undertake the mission to the Imperial Capital, to defend the treaty before the Cabinet or Privy Council and urge its ratification.

I told him that I feared my going to Peking on such a mission, a foreigner, would not be kindly or favorably received. He replied that he understood his countrymen better than I did; that the Cabinet knew that I had come to China on the invitation of the Emperor to advise them as to the treaty; that they would not care to meet me, as they are opposing the treaty; but they would not refuse to hear me; and what I told them would have much more weight than anything he could say.

In a private conference before going he explained to me in detail the characteristics and political surroundings of each member of the Privy Council, and revealed himself in the light of a very shrewd and skillful politician, with a most intimate knowledge of his opponents in the Government and the best means of circumventing them. He said he would send with me one of his secretaries, Wu Ting-fang, as my assistant and interpreter, and he would charge Mr. Wu "to interpret straight" for me.

I reached Peking on April 24, the treaty having preceded me three days. As soon as I could see my friend Chang Yen Huan, the late Peace Commissioner and now a member of the Chinese Foreign Office, as instructed by the Viceroy I prepared a communication to that office asking for a conference with the Cabinet in regard to the ratification of the treaty by the Emperor.

It would require several days to have this communication translated and pass through the "circumlocution offices," and I improved the time by meeting and dining with the leading heads of the Diplomatic Corps, the acquaintance of most of whom I had made on my visit the year previous. I found that the able Russian Minister, Count Cassini (afterwards Ambassador in Washington), was actively exerting his influence with the Tsung-li Yamen to induce the Emperor to reject the treaty, and that he was supported by the French and German Ministers. Their opposition and that which was

coming up to the Capital from all parts of the Empire seemed to place it in great peril. And added to my embarrassments, the Viceroy's secretary came to me the evening before I was to meet the Cabinet, to say that the feeling against the Viceroy was so bitter that he thought it would prejudice my presentation of the matter if his secretary should be my interpreter. In view of this representation I asked the American Minister to let me have his interpreter, which he cheerfully did.

On April 30 my conference with the Cabinet took place at the office of the Tsung-li Yamen. I met there the ten most influential men of the Empire — those nearest to the Emperor and Empress Dowager, with the one exception of Prince Kung, then on sick leave. There were present Weng Tung Ho, tutor to the Emperor, and Li Hung Tsao, the two most influential men of the Cabinet and bitterest opponents of the Viceroy; also Prince Ching, later the head of the Cabinet, the Governor of Peking, and other presidents of various departments of government. It was the most unique conference I ever attended. For that day it was a notable meeting. The past fourteen years have made great innovations in Peking official life. Then the only intercourse of foreign ministers was with the Tsung-li Yamen and a formal New Year bow to the Emperor. That evening I met at dinner at the British Legation the heads of the Diplomatic Corps and found them very curious to learn even of the personal appearance and manner of the members of the Cabinet, many of whom they had never met.

The object of the conference was to impress upon the Cabinet the necessity of the ratification of the treaty by the Emperor. The point which I strongly urged was that it was no longer Li Hung Chang's treaty, but the Emperor's treaty, as every word of it had been telegraphed to Peking before signing and, with the advice of the Cabinet, the Emperor had authorized its signature. If he refused to ratify it, he would

stand disgraced before the civilized world, and the Cabinet would be responsible for their Emperor's ignominy. They gave me very courteous attention, seemed much interested, and asked me many questions, which led to a general discussion of China's needs, lasting two hours, and I gave some pointed advice as to the reforms required in government. I may indicate something of the extent of information possessed by them as to the affairs of the outside world, when I mention that one of the questions asked me by the Emperor's tutor was whether it had ever happened in the wars of the Western nations that territory had been taken by one from the other.

My mission having been concluded, I started the next morning for Tientsin. Knowing that I was to leave, all the members of the Cabinet called at the American Legation where I was lodged and left their farewell cards. An extract from a letter written by me, May 3, gives the detailed result of my visit to Peking: —

We had a quick trip down the river, as the rains had made a strong current. Pethick called this morning early to say that the Viceroy was in "high feather," as he had a telegram from Peking saying the treaty had been ratified by the Emperor the day after my conference with the Cabinet and that he wanted me to come to the Yamen as soon as I could. When I arrived, the Viceroy met me at the outer door, received me with great delight and cordiality, and when we were seated he told me of the Emperor's ratification; said he had heard all about my conference with the Cabinet; and he gave me all the credit, saying if I had not gone to Peking the treaty would have been lost.

He then confirmed what I had heard at Peking that Russia, France, and Germany had made a demand upon Japan to retrocede to China the Liaotung Peninsula; said that serious complications were likely to arise concerning it; that the exchange of the ratifications of the treaty were yet to take



LI HUNG CHANG

place at Chefoo; and he begged me to stay with him till these complications were passed. He added that he had referred the matter to the Tsung-li Yamen, and the Emperor had instructed him to engage me to remain. You know that it was my intention to go home directly after my return from Peking, as my stay has become more prolonged than I expected. But my reputation as well as my duty are involved in the success of the treaty, and I have agreed to remain in China for one or not to exceed two months.

Only five days remain of the time fixed for the exchange of the ratifications, and I must go without delay to Chefoo for that purpose.

The exchange of ratifications on the part of the Chinese Government was intrusted to two of the Viceroy's secretaries. We went to Chefoo in a foreign merchant vessel chartered for the purpose. The Japanese Commissioner arrived about the same time in a Japanese transport steamer. As evidence of the interest the nations of the world were taking in the act to be consummated at this port, we found in the harbor men-of-war of Great Britain, the United States, France, Germany, and Italy. In addition the Russian Government concentrated there the most formidable squadron which had ever been assembled in Chinese waters, consisting of seventeen men-of-war, several torpedo-boats, and other vessels of their navy. This demonstration by Russia was intended as a menace to Japan and with the hope of still inducing China not to take the final step to put the treaty in operation. To make this demonstration more impressive, as each vessel came to anchor it immediately proceeded to don the war-paint of dull gray and strip for action, using the shore just in front of the hotel in which the Japanese Treaty Commission was quartered for the storage of boats, sails, and other superfluous paraphernalia, in direct violation of Chinese territorial rights.

The menace, however, was to no purpose. Under instructions the Chinese Commissioners delayed the exchange to the evening of the last day, but on May 8, at 11.30 o'clock P.M., the last act was performed and the treaty became a perfected instrument. China had observed her plighted faith and maintained her honor. No person of the two interested nations was more gratified at the result than myself.

The exchange at Chefoo was followed by negotiations rendered necessary by the demand of Russia, France, and Germany that Japan should give up the Liaotung Peninsula, including Port Arthur. It was a bitter experience for Japan in the time of her great exaltation to suffer the humiliation of surrendering the richest spoil of her victory. But with Great Britain a passive spectator of this international drama, there was no help for it. This humiliation of Japan and the occupation so soon after by Russia of the fortress of Port Arthur, and not only of the Peninsula but of the extensive Province of Manchuria, may explain in part the later courageous determination of the little island nation to offer the wager of battle to the great Northern Empire.

It has been asserted that when the Viceroy signed the treaty at Shimonoseki on April 17, he had the assurance that the Great Powers would intervene, and that when he agreed to the cession of Liaotung he knew that Japan would not be permitted to hold it. But such was not the case. The conditions of peace were handed to Li on April 1. The day before Mr. Inouye called on me, at the instance of Count Mutsu, and asked that assurance be given that the conditions would not be made public. I told him that I felt sure the Chinese Embassy would not make them public at Shimonoseki, but that no assurance could be given as to the action of the Government at Peking. It has been seen in the extracts given from the "Verbal Conferences" that Marquis Ito had taken the position that the conditions of peace concerned only China and Japan, and that other Governments had no right to be

informed respecting them. The object of Mr. Inouye's call was to prevent the terms reaching the European Powers before the negotiations were concluded.

It was manifestly to the interest of China that the Powers should be informed, and upon my advice Li, in telegraphing the conditions of peace to Peking, asked that they be cabled to the Chinese Legations in Europe. Hence the Powers were advised more than two weeks before the treaty was signed, and I know that Li waited anxiously for some indication from Russia, but none was received by him till we reached Tientsin on our return.

I have reason to believe that the demand for territory on the mainland of China was contrary to the better judgment of Marquis Ito. I have already referred to Mr. Dennison's description of the rampant spirit of the military party which surrounded the Emperor. In my conversations with Count Mutsu, I told him I was satisfied Russia would not permit Japan to occupy the mainland so threateningly near to Peking, and that it was not good policy to insist upon it. His reply was that, whatever might be the private judgment of Ito and himself, they were forced by the attitude of the military party to demand it. I am sure that neither of them was surprised when they learned of the attitude of Russia, although they may not have anticipated the coalition with the latter of France and Germany, which put opposition out of the question.

Complicated with the negotiations as to the retrocession of Liaotung was the agreement in the treaty to send commissioners to Formosa to effect its transfer to Japan. The feeling against the transfer was so strong in Formosa that an insurrection had broken out, the Chinese authorities had been imprisoned or banished, an independent republic set up, and a proclamation issued announcing the intention of the new authorities to resist the transfer by force of arms. The Viceroy, contrary to my advice, sought to make these occurrences

an excuse to delay the transfer, and telegraphed Ito asking that the subject be included in the negotiations respecting Liaotung. But a prompt refusal was received, accompanied by a request for the appointment of the Chinese Commissioner to effect the transfer of Formosa.

Thereupon he and I sent telegrams to the Tsung-li Yamen, urging that early measures be taken to carry out the treaty stipulation as to Formosa. On the evening of the same day notice was received that Li Ching-fong (Lord Li), the Viceroy's son, had been appointed Commissioner. This appointment greatly displeased and alarmed the Viceroy, as it manifested a disposition at Peking to fasten on him and his family all the odium and responsibility for the treaty, including the most unwelcome duty of the actual transfer of the lost territory. At his urgent request, I telegraphed the American Minister to secure the coöperation of the British Minister and try to get him excused. I also did likewise to Chang of the Tsung-li Yamen. But they answered promptly that nothing could be done. Lord Li, on notice of his appointment, telegraphed his declination on the ground of illness. This brought from the Emperor a severe decree which, as a specimen of Chinese official language, is here given: —

Li Ching-fong went to Japan with Li Hung Chang and was appointed plenipotentiary to coöperate in negotiating the treaty of peace. On returning to Tientsin he left for the south, without having presented himself to report the conclusion of his mission. He was yesterday directed to go to Formosa to arrange matters there, but he has again shirked his duty under excuse of illness, which has caused Us great surprise. Li Hung Chang holds an office of grave responsibility and should have considered this as a matter requiring his most careful attention to perform successfully. Why then should he assume a position of indifference and make excuses to help Li Ching-fong escape responsibility? The

Japanese Commissioner will soon arrive in Formosa, and we again command Li Ching-fong to go there at once and not attempt to evade from fear of difficulties. If troubles arise from his delay he shall be taken to task, and Li Hung Chang will not be held blameless. Respect this.

The Viceroy knew full well the force and meaning of such a decree from the Throne, and he was utterly broken down. He sent Mr. Pethick to beseech me to go to Shanghai and accompany his son to Formosa. Pethick said the father was in great dread lest Lord Li should be killed by the infuriated Formosans; that he had little confidence in him from want of experience; and that I was "an old soldier" and experienced, and would know how to protect and aid him. I was impatient to return home, and the mission was by no means a desirable one. It lay in the tropics, the hot weather was coming on, and the cholera prevailing there was more dangerous than the enraged Formosans. But the appeal was so affecting I could not resist it, and that same night I went on board a specially chartered steamer to join Lord Li.

I asked Mr. Pethick, who had been many years in the Chinese service, if there was no way for a public official to decline an unwelcome appointment. "Yes," he said, "there are three ways. The first is to allege illness, but that is so common it is usually ineffective. The second is to flee the country, but the delinquent can never return. The third is suicide, which is not an unusual result."

During our voyage from Tientsin to Shimonoseki the Viceroy held many long conversations with me, and, with the inquisitiveness of his race, he soon learned all my public and most of my private life. We also discussed at great length the situation of his country and the remedies for its ills. Before we landed he proposed to me that I should remain in China and aid the Government in its reconstruction. I put it aside at the time as not a serious matter. But after our month's

intimate intercourse in the treaty negotiations, when we returned to Tientsin, he renewed the subject, saying he had consulted his Government and had its authority to retain my services for a series of years to reside at Peking and act as adviser to the Cabinet and Emperor in a movement to reform the government. I then saw that the proposition was seriously made, but my knowledge of the public men, of the state of politics and parties, and of the spirit of the country led me to the conviction that it was too difficult a task for me to undertake at that time, and would most surely result in failure on my part. I resolved to decline, but when I presented to the Viceroy various reasons which I advanced, such as my business engagements and the like, he gave me to understand that I should receive such compensation as would overcome these objections.

I then, in an assumed serious tone, told him there was one insuperable obstacle in the way which he must recognize, as he was a follower of the great philosopher Confucius, who taught that the children should be trained to respect and venerate their parents and ancestors. I had made an engagement with and a promise to my seven-year-old grandson, that I would come home in time to go a-fishing with him that summer, and that it would destroy all his esteem and confidence in me, if I failed in my promise! He said they would have the grandson come over and we could fish in the lakes of the Emperor's Summer Palace, but the proposition was not further pressed.

While I was in Peking to have my conference with the Cabinet, Sir Nicholas O'Connor, the British Minister, who had heard of the project to retain me in China, urged me to stay and tried to overcome my objection that the task was hopeless. It will be remembered that Marquis Ito made a visit to Peking shortly before the "Boxer" outbreak in 1900, having come at the invitation of the Chinese Government to advise as to reforming its administration after the Japan-

ese example, and had interviews with the Emperor, the Empress Dowager, and leading public men; but he soon returned to Japan. I have been told by a member of one of his cabinets, an intimate friend, that he despaired of accomplishing any substantial results. He said, when he and his associates began the movement to remodel their government, they had the support of a large party in Japan, but that in China there seemed to be no general desire for reforms. Such was my view of affairs fourteen years ago. The situation, however, has materially changed since that time, and reforms have already commenced at Peking and in many of the provinces. A new spirit is slowly but manifestly permeating the Empire, and the work of reconstruction will go forward.

When I went to take leave of the Viceroy before embarking for Shanghai, he thanked me in most expressive terms for consenting to accompany Lord Li to Formosa; and, in wishing me success in the mission, he said with a merry twinkle in his eye: "When you get back to Shanghai, then you can return to America and go a-fishing with your grandson." The next season, as good luck would have it, as the seven-year-old boy and I were trolling along one of the islands of the St. Lawrence River I "struck" a fine fish, which proved a good-sized muskallonge, reaching from the boy's shoulder to the ground. I sent the Viceroy a photograph of the boy with the fish on a gaff-hook hanging from his shoulder. Friends visiting in China have told me that the Viceroy had the photograph preserved in an album and showed it with delight to visitors.

When I reached Shanghai I found Lord Li making preparations for his mission, though showing great timidity and reluctance for the duty. The steamer in which I came to Shanghai was used for the expedition, a guard of about fifty Chinese soldiers were put on board, an American physician was engaged with a good supply of medicines and surgical instruments, and on May 30 we left Shanghai for the port of

Tamsui, in the Island of Formosa, where it was arranged we were to meet Admiral Kabayama, the Japanese Commissioner.

Before sailing I received a long letter from Pethick, written at the Viceroy's instance, from which I quote a few sentences: "The Viceroy looks to you to protect his son from violence. Don't let him land save where the Japs are in full occupation, nor let him be drawn by native officials or others into visiting on shore or going outside of Japanese military lines under any pretext. . . . You must make young Li promise you first thing not to go anywhere or see any one without your previous knowledge and consent. You know I have a special interest in him, too, hence this long appeal."

It had been arranged between the Viceroy and Marquis Ito that after Lord Li met Admiral Kabayama in the waters of Formosa, if the rebellion was still active, and it was found impracticable to deliver over the public property and make formal transfer of the island, Lord Li was to retire to Foochow or other nearby Chinese port, and await the overthrow of the independent republic by the Japanese forces, which would entail an indefinite delay. I found Lord Li very reluctant to go ashore, and I suggested to him that he could execute his mission and comply with the treaty without doing so. I told him that in the Western nations it was a common practice to transfer vast estates or great tracts of land from one owner to another by a written instrument called a deed, and that the title passed by the mere signing and delivery of the writing without ever visiting the land. I saw no reason why this practice should not be followed in the present instance. Lord Li was greatly delighted with the suggestion, and said he would propose it to the Japanese Commissioner as soon as they met.

On the morning of the second day our vessel arrived off the Formosan port of Tamsui, and hove to in the offing several miles from port, well out of cannon range. Here we

found a Japanese man-of-war, whose commander gave Lord Li a message from Admiral Kabayama, saying he was near Kelung on the other side of the head of the island, and asking him to join him there. But the Chinese customs officer at Tamsui had been advised of our visit and instructed to communicate with us immediately on arrival as to the state of affairs on the island, and we awaited his coming. He soon came aboard, being rowed out in a small boat, and proved to be an American, Mr. Morse, who reported the revolutionists in full force on the island and determined to resist with arms the transfer to Japan.

We then proceeded to join Admiral Kabayama, escorted by the Japanese man-of-war, and found his flagship anchored in the roadstead of Samtiao, twelve miles southeast of Kelung. A full division of the Japanese army had been landed at this place two days before, and was already in front of the fortifications of Kelung. On the morning of June 2, Lord Li with his suite called to pay his respects to the Admiral and in the conversation suggested that as he was in ill health and the island in rebellion, a formal transfer might be made by a written instrument in the harbor where they were. The Admiral promised to do all that was possible to accommodate Lord Li and that the suggestion should be considered when the negotiations were opened.

During the same forenoon the Admiral made his return visit of courtesy, and at 2 P. M. the negotiations for the transfer were entered upon. The Japanese accepted the suggestion advanced by Li, and they proceeded in concert to draw up the instrument of transfer, of which counterparts were made in Chinese and Japanese. These documents were completed early in the evening, signed and exchanged, the farewell visits of courtesy were paid, and at midnight the Chinese steamer weighed anchor and we sailed away for Shanghai, amid the salutes of the Japanese Navy. We had been in the waters of Formosa just thirty-six hours, and never did a public

official turn his face homeward from a successful mission with greater delight than did Li Ching-fong.

On our arrival at Shanghai the result of the mission was reported to Peking. I received a telegram from the Viceroy of congratulation and hearty thanks, and on June 8 I took my final leave of China, embarking on a steamer which carried me no further than Yokohama, where I was to meet the mail steamer which would bring me back to America.

It is proper that at this stage of my narrative I should say a few words as to the subsequent history of the two Chinese statesmen with whom I had been associated for the past five months. Mr. Chang, the head of the first Peace Commission, remained in the Chinese Foreign Office until 1898, during which time he acted as Special Ambassador to the Queen's Jubilee in London, visited the Courts of Berlin and St. Petersburg, and received distinguished orders and decorations from all three of these Governments. Having formed liberal views during his residence as Minister in the United States, he advocated with the Emperor reforms in the Chinese administration. This made him odious to the conservatives, and in the *coup d'état,* which virtually dethroned the Emperor and restored the Empress Dowager to power, he with many others was condemned to death. But through the interposition of the American and British Ministers his sentence was commuted to perpetual banishment at hard labor in distant Mongolia. When the reactionary party was in the ascendency in 1900 and the foreign legations were besieged, the Empress Dowager caused him to be beheaded.

Li Hung Chang for some time after the peace negotiations was in disgrace, having lost the viceroyalty of Chili. But he was too commanding a personality to be long ignored, and he was appointed the Emperor's Special Ambassador at the coronation of the Czar of Russia. On this mission he made a notable journey over Europe and returned to China through the United States, where he was received with distinguished

honors. On the return of the Empress Dowager to power, he was called to the Foreign Office in Peking, having always been one of her adherents. But he was not in sympathy with the retrograde party, by whom the Empress Dowager was induced to send him to the far corner of the Empire as Viceroy at Canton. He was at this post when the "Boxer" outbreak occurred, but, when the foreign complications arose growing out of the siege of the legations, he was again recalled to Peking, and, in conjunction with Prince Ching, conducted the negotiations to a close. These last labors proved too much for his enfeebled constitution and his advanced age, and he died soon after their termination, in 1901.

On reaching Japan on my return to America I encountered an unexpected embarrassment. I was to be detained a few days in Yokohama awaiting the arrival of the mail steamer for America, and I found that a movement was on foot, especially among the commercial bodies and manufacturers, headed by the Tokio Chamber of Commerce, to tender me a public banquet in recognition of the Japanese appreciation of my part in bringing about an honorable peace. When I first landed in Japan five months before, the Japanese native papers announced that the stock-market was favorably influenced. I quote from one of the leading papers, the Osaka "Mainichi": "The arrival of Mr. Foster in Japan has very peculiarly affected the stock-markets at Tokio and Osaka. The value of every stock has considerably advanced." The experience in Japan, where all stocks had greatly depreciated during the war, was that usual with commerce the world over. It is the handmaid of peace and regards war as its greatest enemy.

My coming was accepted as an earnest of an early peace and for that reason I was welcomed; but the Japanese in addition felt that my influence had been exerted in China after the treaty was made in having it faithfully executed,

and in that respect I had worked also in the interest of Japan. Having gone to the East at the invitation and in the service of the Emperor of China, I could not with propriety accept any demonstration on the part of the Government or of a public character, but as the commercial people seemed so interested, I consented to attend a private dinner given at the house of one of the leading citizens of Tokio. An extended report of this dinner appeared in the Yokohama "Mail," the principal foreign newspaper of Japan, edited by an Englishman. I prefer that this account rather than my own be given, as it appears in the following extracts: —

The Honorable John W. Foster paid a flying visit to Japan on his way home from the scene of his labors. He saw China through all her troubles. After the failure of the Chang mission, he remained until the appointment of the Viceroy Li as peace plenipotentiary, and after the ratification of the Shimonoseki Treaty he accompanied Lord Li when the latter was sent to accomplish the difficult duty of transferring Formosa to Japan. Hearing that the distinguished statesman would pass via Japan to the States, the Japanese at once began to think how they ought to receive him. That he had served China counted for nothing in their eyes. They saw in him only a great publicist, who had labored in the cause of peace, and whose guidance and counsel had materially promoted its attainment. Therefore they decided that every effort should be made to welcome him and to treat him with the hospitality always exercised by the Japanese so heartily and gracefully. The leading citizens of Tokio resolved to invite him to a great banquet in the name of the city. This project could not be carried out, and it became necessary to limit the programme to a comparatively small semi-private dinner and to the presentation of an address.

The dinner was given on the nineteenth of June at the

beautiful residence of Mr. Okura, one of the leading merchants of Tokio, with whom were associated as hosts Mr. Shibusawa, former Minister of Finance and now President of the Tokio Chamber of Commerce, and Mr. Tokoyama. There were present several ministers of state, the great majority of the Japanese officials who had taken leading parts in the Shimonoseki Conference, the United States representative, and many of the prominent business men of the capital. Mr. Shibusawa's speech, in proposing the health of Mr. Foster, was a genuine reflection of the sentiments long entertained by Japan towards the people of the United States. He said: "Your Excellencies and Gentlemen, — In holding this evening a small reunion of friends to furnish a moment's entertainment to General Foster, the well-known and universally respected ex-Secretary of State of the United States, who has just arrived in Japan, I must preface the brief remarks which, as one of the hosts, I crave your kind permission to make, by expressing our keen sense of the great honor conferred on us by the gracious presence of so many distinguished gentlemen, both foreign and Japanese. . . . The course of his travels in the Orient, in the discharge of noble duties, having brought this celebrated publicist to our shores, I can assure him that any suggestions or advice he may be persuaded to offer, out of the abundance of his deep erudition and long practical experience, as to the institutions or circumstances of Japan, will be received by us with the utmost gratitude and deference, and regarded even as a voice from Heaven. It is a matter of much regret to us that General Foster's stay in Japan should be so brief as to preclude the possibility of offering to him some more significant token of the appreciation in which we hold his labors as a peacemaker. We trust, however, that he will take the will for the deed, and we would further beg that if, after his return to his home, this meeting of to-night recurs to him, he will remember our desire to profit by his counsels and observation."

My remarks in reply, given in full in the "Mail," are omitted. The "Mail" continues its report as follows: —

The following morning a deputation of leading merchants and manufacturers of Tokio waited upon Mr. Foster, and expressed their regret that they were not permitted to take any steps for expressing publicly their deep sense of the value of his labors in the cause of peace. They wished the honorable gentleman a safe voyage, and a preserved life of public usefulness, and hoped that it might be their good fortune to welcome him back to Japan at some future date.

After quoting my reply, the "Mail" says: —

Later in the day an engrossed address was sent to Mr. Foster, accompanied by a pair of very handsome vases of *cloisonné* enamel. . . . The concluding words of the address were: "We regret that we must limit ourselves to conveying our sentiments of esteem and gratitude by offering you a trifling souvenir, your kind acceptance of which will still further increase the debt under which you have already laid us." The whole incident has left a most favorable impression, not merely as showing the perfect tact that Mr. Foster must have exercised throughout a period of difficult and complicated negotiations, but also as proving that the Japanese can distinguish and appreciate services rendered in the highest interests of humanity, even though an enemy's benefit may be the immediate object of their performance.

During my visit to Tokio I was invited by the Prime Minister, Marquis Ito, through the American Minister, to call on him, and in the course of the interview I found that he was fully informed of my journey to Peking and conference with the Cabinet, and was very expressive in his appreciation of my efforts to have the treaty faithfully executed.

The Japanese in official and the higher circles were not, it appeared, the only Japanese who were attracted by my

mission. I give an extract from one of a number of letters received by me from unknown persons. The writer said: "I see that you have finished your business with China towards her Peace-negotiations with our Japan quite satisfactorily and are going to return to your America in a few days hence; for the which let me offer you my hearty congratulation and 'long-live' towards you!" He inclosed his photograph, and gave in some detail a sketch of his life and education in the mission schools, expressed a great desire to finish his education abroad, and closed with this appeal: "Will you please forgive me my boldfacedness — fetch me to your America with you as a kind of memento of your distinguished work towards the Peace-negotiations at Shimonoseki between Japan and China?"

I sailed from Yokohama June 21, 1895, reached Vancouver July 2, and arrived in Washington July 7, having been absent on my mission six months and nine days.

After my return I received a letter from Mr. Pethick, to whom I have heretofore made reference as one of Li Hung Chang's secretaries and who was my constant associate during the negotiations. From this letter I extract a closing paragraph: "We miss you. The Viceroy often speaks of you. You have accomplished a great work in a national crisis, and placed on record some state papers which are models of acumen, tact, and eloquence. You have had a most unique experience among foreigners in the Far East, and as a recognized champion of China you will no doubt find more good work to put your hands to for her benefit."

## CHAPTER XXXIV

### THE ANNEXATION OF HAWAII

In the autumn of 1896 I made a visit to the Hawaiian Islands, and the notice of my going at once led the newspapers to attribute to me a mission in connection with the annexation of the Islands to the United States. There was some color for such a report, inasmuch as I had negotiated and signed as Secretary of State the first treaty of annexation, and as the subject was considered by the people of the United States to be still an open and pending question, notwithstanding the opposition of the Administration of President Cleveland to the project.

There was no foundation, however, for such a report. I publicly denied it before sailing from San Francisco, but my denial was not readily accepted, as I did not feel at liberty to announce the business which really took me to Honolulu, which was in the interest of a Pacific cable company holding a concession from the Government of Hawaii for the construction of telegraphic communication with the United States, and of which the company desired me to secure some modification, and an enlargement of its franchise.

While I had no mission from any authority whatever respecting the annexation of the Islands, I welcomed the opportunity to visit them and to study upon the ground the question of annexation, which I regarded as vital to our country and which could not be decided permanently in the negative without grave peril to our interests in the Pacific Ocean. It seemed apparent to me that if the Islands did not soon become American territory, they would inevitably pass under the control of Great Britain or Japan, and I looked

upon either of those contingencies as contrary to the interests of the United States. I was glad, therefore, that a professional engagement called me to Hawaii, and enabled me to become better acquainted with its people, resources, and government.

In Chapter XI of my book entitled "American Diplomacy in the Orient," I have given a sketch of the history of the annexation of the Hawaiian Islands to the United States, and I need to refer at this time only to some of the salient points of that history.

From the declaration of Secretary Webster, incorporated in a special message to Congress in 1842, that, in view of the large share of the United States in the trade of the Hawaiian Islands and of their proximity to our shores, we could not allow any foreign power to annex, colonize, or threaten them — from the time of that declaration the trend of events had been towards their ultimate annexation to the United States. Two attempts had been made by negotiation to that end, the first by Secretary Marcy in 1855, and the second during the Administration of President Grant. The reciprocity treaty of 1875 was avowedly for that purpose, and its operation could have no other result. When it came to be renewed in 1884–87 the clause added respecting Pearl Harbor made the Islands practically a dependency of the United States.

The Administration of President Harrison was criticised in certain quarters at the time because of the alleged haste in making, in the winter of 1893, a treaty of annexation with the provisional government which had overthrown Queen Liliuokalani; but the stability of that government for five years thereafter demonstrated its right and power to represent the Islands. Another criticism was that President Harrison should have taken no action on the subject on the eve of the advent of an opposition party to power, and that the negotiations should have been left to President Cleveland and his Secretary of State. But the situation in the Islands

was very critical, and there was every probability that unless prompt action was taken a state of anarchy might have been created.

The annexation of Hawaii had been the open policy of both parties in the United States for many years, whenever circumstances should offer the proper opportunity; and in the judgment of President Harrison and his Cabinet the fit time had arrived. But before the negotiations were concluded I, at the instance of the President, consulted with Senator Morgan, the senior Democratic member of the Committee on Foreign Relations, and with Senator Gorman, a recognized leader of that party in the Senate, informed them of the terms of the proposed treaty, and requested them to ascertain what would be its probable reception by their party colleagues. They subsequently reported to me that they anticipated no serious opposition to the treaty from their side of the chamber; and the treaty was signed and sent to the Senate.

It seemed in a fair way to be acted upon promptly and favorably by that body, when Mr. John G. Carlisle, a former member of the Senate and the prospective Secretary of the Treasury, came to Washington and put himself in communication with his party associates in that chamber. Henceforth action on the treaty seemed blocked, and it was understood that Mr. Carlisle brought a message from the President-elect to have the annexation question postponed for the consideration of the new Administration. From my intimate personal acquaintance with President Harrison and the incoming Secretary of State, Judge Gresham, I have no doubt Mr. Cleveland's action was influenced by Gresham's hostility to Harrison. I shall refer to this phase of the question later.

Before I went to Hawaii, Mr. Blount's "paramount" mission had been discharged and he had made his report, the résumé of which was that the provisional or republican government could not endure a year; Secretary Gresham's project for the elimination of that government and the

restoration of the ex-Queen had proved a fiasco; and the people of both countries were awaiting, in 1896, the result of the presidential campaign, the friends of annexation hoping for the election of Mr. McKinley.

I sailed from San Francisco October 26, 1896, accompanied by Mrs. Foster. On our arrival in Honolulu we were met at the steamer with a hearty welcome by some of the members of the Commission which signed with me the treaty of annexation in 1893; and they informed me that arrangements had been made for us to be entertained by a member of the Cabinet of the republican government. But I preferred to be entirely free and to be in a position to see all persons who might desire to meet me, and to learn all shades of opinion, so we took rooms at the hotel.

The professional business which brought me to the Islands was not so absorbing that I did not have abundant opportunity to visit the Island industries, schools, and other institutions, and to partake of the generous hospitality of its citizens. During our stay of nearly three weeks we met socially and in business circles many of the people of the opposing parties, and heard their views of the situation and the needs of the country. We were enchanted with the climate and scenery, much impressed with the resources and possibilities of the Islands, and formed a very favorable opinion of the government of the republic.

While I was there an incident impressed me with the isolation of this group in the broad Pacific, and with the desirability of telegraphic communication with the outside world. I had left San Francisco the week before the presidential election with a feeling of considerable anxiety as to the result. We did not receive the returns or know of the election of Mr. McKinley till twelve days after the election, and then the news was brought to us by a steamer from Yokohama, having been sent under the Atlantic, through Europe, and across Asia.

I returned to the United States confirmed in my opinion as to the wisdom and desirability of the annexation, and resolved to do whatever was in my power to hasten that result. Soon after my return I was invited by the National Geographic Society to give a public address upon the Hawaiian Islands. I gave to the subject careful preparation and presented such an array of facts and arguments in favor of annexation as my study and observation enabled me to make.

The address was delivered in Washington on March 26, 1897, to a large audience, in which there were a number of Senators and Representatives in Congress and members of the Diplomatic Corps. It was largely reproduced in the newspapers throughout the country and evoked general comment in the press. At the request of the Committee on Foreign Relations, it was printed by the Senate of the United States as a public document. The Hawaiian Committee on Annexation caused several editions of ten thousand copies each to be distributed throughout the country. No other of my public utterances received such wide circulation or general attention. A few extracts from the concluding paragraphs of the address will indicate its general spirit. I said:

If, then, in view of our great and rapidly growing interests in the Pacific, it has become a political and military necessity that these Islands should not pass into the control of any other nation, and if it is manifest that such a contingency now threatens them, it is, in my opinion, the plain duty of the United States to annex them to its territory. . . .

In addition to the fact that the regularly constituted government of Hawaii is seeking annexation to the United States, we have a strong equitable claim to the Islands. The people of the United States contributed millions of dollars to bring the inhabitants out of a wretched state of barbarism and servitude and to secure them a place among the civilized peo-

ples of the earth. Americans gave them a written language, organized their schools, taught their kings the principles of government, for more than half a century were the real administrators of public affairs, and until the rulers demonstrated their utter incapacity were the firmest supporters of the native government. The United States has, by means of the reciprocity treaty, brought life and prosperity to the Islands and enabled the merchants and planters to grow rich at our expense.

It is to-day virtually an American colony. The paramount influence is American. In no part of the United States is there more intense loyalty shown to our country or its institutions. During our Civil War, Hawaii contributed much more than its quota of Americans to maintain the Union. Every year the Fourth of July is celebrated with much enthusiasm by a public meeting in Honolulu. On Decoration Day the post of the Grand Army of the Republic repairs to the cemetery to keep green the memory of the soldiers who lie buried there. Thanksgiving Day is annually observed with even more solemnity than in the native land. The Americans of Hawaii are loyal and patriotic sons of the fatherland, and it would be a cruel and undeserved fate to abandon them to the rule of some foreign power.

Four times in its past history a foreign flag other than that of the United States has floated over the Islands — first the Russian, then the French, afterward the British, and again the French. Any one of these Powers would gladly assume sovereignty again, and to them is to be added as a menace the rising Power of Japan.

To my mind annexation presents no political or administrative difficulties. . . . The Islands should be admitted, not as a State, but as a part of the territory of the United States, to be organized in such manner as Congress in its wisdom may determine. . . .

I do not regard the suggestion of a protectorate as prac-

ticable. We cannot assume it without becoming responsible for the government of the Islands, and we should not become responsible for the government unless we can exercise a control in its creation and management. We must either annex the Islands or leave them free to make such other alliance as they may choose or as destiny may determine.

As a rule, I do not believe in the extension of our territory beyond our present ocean limits. I think we should develop within our own domain a great English-speaking nation, controlled by the principles marked out for us by the fathers of the Republic. But it is precisely because I want to see a great and powerful nation — much greater and more powerful than the one we now have — developed on this continent that I hail the opportunity now offered of securing this outpost of our Pacific frontier, and thus protecting for all time our future mighty commerce and rapidly growing interests on that coast from the encroachments of the Great Powers striving for ascendency in that quarter of the globe.

I have already stated that upon the advent of President McKinley I had been commissioned by him to go to London and St. Petersburg on a mission connected with the protection of the seals. Before sailing I was asked by the Assistant Secretary of State, William R. Day, afterwards Secretary of State and Justice of the Supreme Court, to draft a form of treaty of annexation of Hawaii, as, he said, it was the intention of President McKinley to make such a treaty and send it to the Senate as soon as the pressure of business would allow. The draft which I prepared followed the terms of the unratified treaty of 1893, with the omission of the provision for annuities to the ex-Queen and the heir apparent, and such other amendments as the lapse of time had made necessary.

Judge Day at that time had had little experience in diplomatic matters, and in handing to him the draft of treaty rolled up in a small compass with a rubber band, he held it up and

said to me: "And that little roll can change the destiny of a nation." Later in my career a similar incident occurred. As related in another chapter I was engaged with Mr. Elihu Root and other attorneys in arranging the terms of transfer of a railroad concession in China. Some preliminary consultation had taken place, but a meeting was fixed for a definite settlement of the only remaining question in dispute, the price to be paid. The Chinese Minister accompanied me, and we soon reached an agreement. As we came away, the Minister, who was a young man and little experienced in financial matters, impressed with the celerity of our action, half-soliloquizing, said to me: "Seven millions of dollars in five minutes!"

A few weeks after my departure, on June 16, 1897, the new treaty of annexation of Hawaii was signed and sent to the Senate.

Owing to the impaired health and defective memory of Secretary Sherman, to which I shall revert again, the negotiation of this second treaty was put into the hands of Assistant Secretary Day, and the Secretary was called into the negotiations only when the treaty was ready for signature. This fact led to an unfortunate incident. Only a few days before the signing the Japanese Minister, having noticed the press report that a treaty was being negotiated, called upon Secretary Sherman and asked him as to the truth of the report. He was assured by the Secretary that there was no foundation for it, and the Minister cabled his Government accordingly. The signing of the treaty was followed by a strong protest from the Japanese Government.

No action upon the treaty was had by the Senate before its adjournment, and when it reassembled in the winter of 1897–98, the Spanish imbroglio was uppermost in the minds of Senators, and it was difficult to secure attention to any other question. But after the declaration of war, the contest had not progressed far before it became apparent that the possession of Hawaii was a military necessity. The occupation of

the Philippine Islands and the dispatch of a considerable part of the army to Manila made imperative the use of the port of Honolulu as a coaling-station and harbor for our fleet.

Being at that time in the service of the Department of State, I was honored by the President with the duty of informing the Senate and House Committees on Foreign Relations of the situation of the Hawaiian question created by the war and of aiding as far as I could in securing prompt legislation. In this connection I desire to speak of Senator Cushman K. Davis, the Chairman of the Senate Committee on Foreign Relations, with whom I had frequent and intimate relations while chairman. He was born in Henderson, New York, in the vicinity of which place I had my summer home and where I heard stories of his boyhood before he removed to Minnesota. He was a gallant soldier in the Civil War, an able lawyer, a fine classical scholar, and one of the most useful of Senators. His untimely death was a great loss to the country.

Owing to the opposition of many of the Democratic Senators to the Hawaiian Treaty and the facility of obstruction and delay in that body, it was decided to attempt to bring about the annexation by joint resolution, following the precedent of the annexation of Texas. Such a course was repugnant to Senator Davis and Congressman Hitt, the chairmen of the two committees, as well as myself, because of its evasion of the constitutional provision and the creation of a bad precedent; but it was felt that the exigencies of the war justified this extreme measure. We were greatly relieved, however, that upon the passage of the joint resolutions they received a vote of two thirds of both houses, which practically met the constitutional requirement as to treaties.

I think that subsequent events have fully justified the wisdom of our action in bringing about the annexation of Hawaii. We could not allow any other Power to occupy the Islands so long as we held the Philippines. Neither could we with safety to our Pacific Coast territory permit their occu-

pation by any great military Power; nor is it probable that the Islands could long have maintained their existence as an independent nation. I count it an honor and a useful service to my country to have borne some part in their annexation to the United States.

## CHAPTER XXXV

### CANADIAN AFFAIRS

For a period of twelve years, from 1891 to 1903, I participated in a series of negotiations with the British Government on a variety of questions growing out of the intercourse of the United States and Canada, which in a greater or less degree were threatening the friendly relations of the two neighboring countries.

The foresight of Benjamin Franklin led him to the conviction that the separation of Canada from the other American colonies, when the partition of the British Empire came to be considered in the negotiations of 1782–83, would be a serious menace to the peace of America; and he sought in vain to avoid that danger by the inclusion of Canada in the United States in the treaty of peace. From that day forward there has hardly been a time when Franklin's apprehension has not been a reality. Our relations with our southern neighbor have not proved so continuously threatening and complicated. The annexation of Texas brought on the war of 1846–48, but aside from that the frontier intercourse with Mexico has not been so irritating or difficult of regulation as that with Canada.

This largely grows out of the fact that Canada is a dependency of a powerful government; that no direct negotiations can be carried on with its authorities, but must be conducted with a government beyond the sea, imperfectly impressed with its spirit and wants; and that Canada is disposed to take undue advantage of its dependent position to shield itself from responsibility to its neighbor.

The two subjects which have given occasion to most dis-

cussion and negotiations have been the boundaries and commerical intercourse. The first will be considered in the next chapter.

From 1815, the date of our first commercial treaty with Great Britain, Canada had made persistent efforts to secure commercial reciprocity with the United States. Every succeeding administration from Monroe to Pierce had been solicited by the British Minister or by delegations sent to Washington to enter into a treaty of reciprocity. Finally in 1854, through the active exertions of Lord Elgin, Governor-General of Canada, who came to Washington for the purpose, a reciprocity treaty was negotiated and put in operation.

It had been preceded by a strong movement in that country for annexation to the United States. The manifesto of the party advocating this measure was signed by men who afterwards played a distinguished part in Canadian politics, and one of the most forcible arguments advanced by them was that it would give free commercial intercourse with the United States, to the great benefit of all Canadian industries and resources. One of the results of the reciprocity treaty of 1854 was to allay the annexation feeling.

That treaty was confined to a free exchange of what are termed natural products, or articles in their raw state, almost entirely products of the fisheries, farms, and mines. Its duration was for ten years, and in 1866, in accordance with a resolution of the Congress of the United States, it was terminated. Two causes influenced this result. First, it was contended that the treaty had operated more largely to the interest of Canada than to that of the United States; that it was injurious to American fishermen and farmers; and that our manufacturers reaped no benefit from it.

These objections might have been in part overcome by the addition of a list of manufactured articles, but the second ground of opposition was of a more serious nature. The time for the renewal of the treaty synchronized with the close of the

Civil War in 1865. There existed at that time in the United States a deep feeling of resentment against the ruling class in Canada, on account of its manifest sympathy with the South and the protection extended to Confederate agents. This feeling was so strong that the commercial considerations were in great measure put aside.

When what are known as the "Alabama Claims" became a burning question between the United States and Great Britain, Mr. Sumner, then Chairman of the Foreign Relations Committee of the Senate and a prominent member of that body, advocated the liquidation of those claims by the annexation of Canada. But the proposition was not seriously considered, and our then existing questions with Canada were adjusted in large measure by the Treaty of Washington of 1871.

The Canadians, however, continued to press for a new treaty of reciprocity. In 1874 members of that Government came to Washington and, with the aid of the British Minister, framed a reciprocity treaty embracing a considerable list of manufactured articles, which was submitted, unsigned, to the Senate as a tentative draft, but the Senate failed to take any action on it.

In 1890 Secretary Blaine negotiated with Mr. Bond, Prime Minister of Newfoundland, a reciprocity treaty for that colony, but its execution was prevented by the protest of the Canadian Government to the British Colonial Office. This proceeding brought about another effort on the part of the Dominion Government to secure commercial reciprocity. Mr. Blaine felt some resentment at its defeat of the Newfoundland treaty, and was not disposed to be hasty in opening negotiations. The correspondence through the British Minister began in September, 1890, and continued at intervals through 1891. Mr. Blaine finally agreed to hold a private conference with members of the Canadian Cabinet, on reciprocity and such other questions as they chose to

present, with the understanding that it should have no official status unless some agreement was reached.

An electoral campaign in Canada was in progress at the time between the Conservative and Liberal parties, with reciprocity with the United States as a leading question; and when the consent of Mr. Blaine for a conference was secured, the Conservatives, then in control of the Government, through Sir John McDonald publicly announced the conference and stated that it was to be held "by the initiative of the United States." This led to a very caustic note from Mr. Blaine to Sir Julian Pauncefote, the British Minister, and later to a visit of explanation to Washington, from Sir Charles Tupper, an adroit but not over-scrupulous politician. Later it was supposed in Ottawa that the date of the conference had been agreed upon, and three members of the Cabinet left for Washington; but they were turned back at the frontier by a telegram from the British Minister that their visit was premature, as no date for the meeting had been fixed.

A delay of some months followed, but at last February 10, 1892, was agreed upon as the date when the delegation of the Canadian Cabinet would be received. I was engaged at the time of the correspondence in the reciprocity negotiations under the McKinley Tariff Act, and was cognizant of the desires of the Canadians. I was requested by Mr. Blaine to take part with him in the conference, and was appointed by President Harrison for that purpose.

The three members of the Canadian Cabinet who participated in the conference were presented to us by Sir Julian Pauncefote, and the meetings were held in the Diplomatic Room at the State Department. The sessions continued from the tenth to the fifteenth of February. The main subject of conference and discussion was a treaty of commercial reciprocity, though a number of other questions were considered.

The Canadian Commissioners proposed the renewal of the

reciprocity treaty of 1854. Our reply was that we could not accept reciprocity in natural products only; that it was essential that a list of manufactured goods should be included; and that the arrangement should be exclusive in its application to the United States and Canada. After one day's adjournment for consultation the Canadians announced that our proposition was unacceptable. President Harrison, in transmitting our report to Congress, said: "It is not for this Government to argue against this announcement of Canadian official opinion. It must be accepted, however, I think, as the statement of a condition which places an insuperable barrier in the way of the attainment of that large and beneficial intercourse and reciprocal trade which might be developed between the United States and the Dominion."

Before the discussion closed and after much time had been spent in considering details of a reciprocity arrangement, Mr. Blaine said: "Gentlemen, there is only one satisfactory solution of this question — *it is to let down the bars*." He then proceeded to elaborate the scheme, with a force of language of which he was such a master, of a complete commercial union between the United States and Canada, with a common tariff upon an agreed basis of division of revenue, and free and unrestricted commerce between the two countries, as is now enjoyed by the States of our Union. The Canadian reply was that their relation to Great Britain and their financial needs stood in the way of such an arrangement.

Towards the close of the conference an incident occurred which showed Mr. Blaine's quick perception and alertness in debate. He had only recently recovered from an attack of illness, and he usually left to me the task of discussing with the Commissioners the details of the matters before us. We were considering the provision of the Treaty of 1871, which guaranteed the use on equal terms of the canals of the two countries, and I was exposing an adroitly devised scheme by which the traffic of citizens of the United States was made to

contribute a much larger percentage of tolls in the Welland Canal than the traffic of Canadians, and the Commissioners were seeking to explain away the discrimination.

Mr. Blaine, who had known nothing of the matter and had been apparently listless, struck with the frivolous character of their defense, suddenly sprang to his feet and poured forth such a torrent of invective against the scheme and showed such a complete comprehension of the question, that the Commissioners abandoned their defense and promised to have the complaint removed on their return to Canada. After the adjournment, so far from being offended by his speech, they expressed to me their admiration of his intellectual alertness and marvelous ability.

Some time before the conference took place I had been notified by prominent members of the Liberal Party of Canada that the object of the Conservative Government in holding it was for its effect on the Canadian election. One of those gentlemen, who afterwards occupied an important position in the Liberal Government, wrote me: "I don't want you to think that I imagine for a moment that your Government should do anything outside of the direct and straightforward treatment of this question to affect party interests in Canada, but I only feel that you know me well enough to permit a suggestion that the Canadian Ministers may make an attempt to utilize the negotiations at Washington for their own party purposes, as they flagrantly did once this year."

Professor Goldwin Smith, an independent in Canadian politics and favoring union of the two countries, who was in Washington at the time of the conference, sent me the following letter: —

WORMLEY'S, February 16.

DEAR GENERAL FOSTER, — Your Canadian visitors have succeeded in that which was probably the chief, if not the only, object of their visit. By making the Canadians believe

that they had been invited here and were going to bring back with them a reciprocity treaty, they have turned a number of bye-elections in their favor and have intrenched themselves in power probably for the next four years.

The Liberals are greatly disconcerted. Mr. Laurier writes me in a very despondent strain. So does Sir Richard Cartwright.

I wish you very much to consider whether anything can be done to indemnify the Liberals in some measure for the injury which they have received through what must be deemed an abuse of the courtesy of your Department of State, by letting it be known that proposals such as theirs would receive different treatment from those which have just been rejected and thus teaching the people to look to the Liberal Party for any advantage dependent on the favorable inclination of your Government.

If you have a few minutes to spare to-morrow or on any of the following days and will kindly notify me, I will attend your summons.

As I think I said before, the Liberal Party, in spite of the waverings and hesitations of a section of it, is the indispensable organ of progress in Canada and its ruin would be a great disaster.

Very truly yours,

GOLDWIN SMITH.

The Canadian Commissioners, on their return to Ottawa, found difficulties in the way of the removal of the Welland Canal tolls, of which we had complained, and they made a second visit to Washington in June following. They had a two days' conference with Secretary Blaine and myself, but with no satisfactory result.

The Bering Sea Arbitration at Paris followed the next year, with its unfavorable result for the United States, and during the Administration of Mr. Cleveland no progress was

made towards the adjustment of Canadian questions further than that the United States was mulcted in exorbitant damages for the seizure of the Canadian vessels engaged in pelagic sealing.

Soon after the inauguration of President McKinley in 1897, I was appointed by him on a special mission to London and St. Petersburg for the purpose of bringing about a conference of the four Powers interested in the fur-seal herds of Bering Sea — the United States, Great Britain, Russia, and Japan. The four years which had elapsed since the rules, adopted by the Arbitration Tribunal for the protection of the seals, had been in operation, had demonstrated that these rules were utterly inadequate for the purpose.

As stated in a previous chapter, I was entirely successful in securing an agreement on the part of Russia to join in an international conference, and subsequently Japan also agreed to take part. During my visit to London I had interviews, as stated, with Mr. Joseph Chamberlain, Colonial Secretary, and our Ambassador, Mr. Hay, as well as the Russian Ambassador and Japanese Minister, conferred with Lord Salisbury, and finally a note was received by Mr. Hay from the British Foreign Office, which was understood to be an acceptance of the proposed international conference, and Mr. Hay, in acknowledgment of the receipt of the note, so stated without dissent from Great Britain.

Accordingly, in due time an invitation was issued by our Secretary of State to the three Powers to join in a conference with the United States to consider the measures necessary for the better protection of the seals. Russia and Japan promptly accepted the invitation, and appointed their delegates. But to our surprise Great Britain declined the invitation, while expressing a willingness to send delegates from Canada in conjunction with the British Ambassador to a conference with delegates of the United States alone.

The correspondence on the subject has all been published

and I need only refer readers who desire the details to the official documents. The facts show that Great Britain's change of attitude was brought about by the fear of offending Canada. The personal letters of Mr. Hay, our Ambassador in London, sent to me at the time throw a strong light upon this strange procedure. In his letter of October 18, 1897, in referring to the note of Secretary Sherman to the British Chargé, prepared by me, which reviews the controversy on this point, he writes: —

My dear General, — . . . The note of the seventh is admirably done, and of course perfectly accurate. I was never so surprised in my life as when they [the British] objected, at the end of September, to Russia and Japan. I had always thought of English diplomacy as overbearing and pigheaded, but I never imagined it was tricky and tortuous. But when they suppressed my note of July 29, and then represented me as trying in September to have them include Russia and Japan in the conference, I had to remodel my ideas of their straightforwardness.

Their press seems to stand up for them unanimously, but among prominent people here there are many who agree with us. Walter Rothschild (son of Lord R.) said to me yesterday that the seals are already almost extinct, and that the United States should have long ago interfered.

Notwithstanding the British Government declined to be represented, the International Conference was held in October and November, 1897, Russia and Japan each sending three diplomatic and expert delegates, and the United States Hon. Charles S. Hamlin, Dr. David Starr Jordan, and myself; the delegates paying me the compliment of choosing me to preside over their deliberations. The result of the labors of the conference was a declaration that under the existing regulations the fur-seals in the North Pacific Ocean were

threatened with extinction and that an international agreement of all the interested Powers was necessary for their protection. Thereupon they drafted and signed a treaty to that effect, but they made its operation conditional upon the adhesion of Great Britain, as without the coöperation of that Power any treaty or regulation for the protection of the seals would be of no value.

This treaty was at once submitted to the British Government, but it declined to be a party to it, as was to be expected after having refused to participate in making it. Referring to this action in his letter to me of December 27, 1897, Mr. Hay commented as follows: —

Dear General Foster, — The prediction in your note of November 30 came promptly to pass, as in fact there was no possibility of any other result. The situation is a singular one. They frankly avow their slavery to Canada and chafe under it; and yet they rather resent our talking to Canada directly, and make this a pretext for declining adhesion to the convention. It is a mere pretext — they would have declined in any case. I am rather pleased at getting an answer out of them so promptly. A straight answer in two weeks is a record-breaker. . . .

It is far more to Canada's advantage than ours to be on good terms with us. Lord Salisbury, in a private conversation the other day, compared her to a coquettish girl with two suitors, playing off the one against the other. I should think a closer analogy would be to call her a married flirt, ready to betray John Bull on any occasion, but holding him responsible for all her follies. . . .

Following the International Conference, a meeting took place at Washington in November, 1897, between American and Canadian-British experts to study the effect of the regulations of the Paris Tribunal on the seal-herd. The result of

their consideration of the subject was that under them the seals had steadily decreased in numbers, until it was no longer profitable to pursue the avocation of pelagic sealing or maintain the industry on the Pribiloff Islands. But it was not possible to agree to any revision of the regulations, and the slaughter of the seals was continued.

Since the reciprocity conference at Washington in 1892, the Liberal Party had been quite active in Canadian politics, and had finally succeeded in driving the Conservatives from power. The Liberals had encouraged expectations that, once in control of the Government, they would pursue a more enlightened and neighborly policy towards the United States, but these expectations were doomed to disappointment. Sir Wilfrid Laurier, now Prime Minister, and Sir Louis Davies, another member of the new Liberal Cabinet, accompanied the Canadian experts to Washington, and they and I attended the meeting of the experts.

After the labors of the latter had been concluded, I held several unofficial conferences with Messrs. Laurier and Davies, and sought to bring them to some agreement for the better protection of the seals; but they were unwilling to take up this subject alone, and insisted that we should enter upon a consideration of various other matters, prominent among which was the old question of commercial reciprocity.

Their attitude at that time led to another visit to Washington in May, 1898, which brought about a protocol, signed on the part of the United States by Hon. John A. Kasson and myself, and on the part of Great Britain by Sir Julian Pauncefote and Sir Louis Davies, in which it was stipulated that a joint commission should be appointed by the two Governments to consider a series of twelve subjects, which were set forth in the protocol. Among these subjects were the fur-seals, the fisheries, the Alaskan boundary, commercial reciprocity, the transit of merchandise and the railroads, alien

labor laws, mining rights, naval armament on the Great Lakes, and more accurate marking of the boundary.

The members of this Joint High Commission on the part of the United States were Senators Fairbanks and Gray, Congressman Dingley, John W. Foster, John A. Kasson, and T. J. Coolidge; and on the part of Great Britain Lord Herschell, late Lord Chancellor of England, Sir Wilfrid Laurier, Sir Richard Cartwright, Sir Louis H. Davies, and Hon. John Charlton, M.P., of Canada, and Sir James Winter of Newfoundland.

The first meeting of the Joint High Commission was held in Quebec, and after a session of two weeks a recess was taken and a further session of two weeks was held in that city. During this time the Commission was very hospitably entertained by the authorities of the province and by the leading citizens, and many social courtesies were exchanged among the members. Greater *éclat* was given to these courtesies by the establishment of the viceregal residence by the Governor-General and Lady Aberdeen in the Citadel, and by the presence of the British North Atlantic squadron in the river.

An amusing incident occurred in connection with the reception given to the Commission by the authorities of the city of Quebec. It was to be of quite a formal and imposing character, at which addresses were to be exchanged. Senator Fairbanks, the chairman of the American delegation, prepared a written address and submitted it in advance to his colleagues. Quite a discussion arose over the phrase "*Anglo-Saxon* race" as descriptive of the people of the two nations. Finally it was settled, on the suggestion of Senator Gray, by amending it to read "*English-speaking* race." It was diverting, to those of us who had listened to this discussion, to hear the mayor of the city read his address in French and have it followed by an English translation. After the second session at Quebec the Commission adjourned to Washington, where

the authorities and citizens sought to rival the hospitality of Quebec by their entertainment of its members.

It would be tedious if I should attempt to give even a brief résumé of the weeks and months of laborious examination and discussion of the various subjects submitted to the Commission. On several of them, a practical agreement was reached. On the sealing question the general principle of settlement was agreed to, and doubtless the details could have been arranged. On reciprocity little progress was made. Notwithstanding the professions of the Liberals when out of power and in the heat of a political campaign, in the commission they assumed much the same position as the Conservative delegates who came to Washington in 1892.

The rock upon which the Commission split and suffered shipwreck was the Alaskan boundary. The attitude of the British members will be explained in the next chapter. They insisted upon their claims to the territory, and refused to enter into an agreement on any other of the questions before the Commission, until their claims as to the boundary were granted. This demand could not be conceded by the American members, and the Commission adjourned at Washington February 20, 1899, never to be again reassembled.

The end of the sessions in Washington was saddened by the death of Lord Herschell, President of the Commission, and of Hon. Nelson Dingley. Both of them had filled important places in the public affairs of their respective countries, and their decease was greatly mourned.

My view of the situation created by the failure of the Commission was expressed in a letter to one of the Canadian members a year after the final adjournment. In answer to an inquiry on his part as to the probability of reconvening the Commission, I wrote: "I lament with you the failure to resume the sessions of the Commission. The *modus vivendi* as to the boundary puts that matter temporarily at least out of the way, and I think it a great pity we should not come to

a friendly accord on as many questions as possible. There are some we certainly can settle, as the alien labor matter, the protection of the fish in the Great Lakes and contiguous waters, armament on the Lakes, conveyance of prisoners, wrecking privileges, unsettled boundary-lines in Passamaquoddy Bay and on the Minnesota frontier, most likely mining rights, and I should not be without hope that something could be done in commercial reciprocity. We were so near an agreement on the fur-seal question, it seems too bad that such a useful herd of animals should be gradually destroyed because of a failure to agree about the ownership of some glaciers. We are a kindred and Christian people, and we ought to get as many of our differences out of the way as possible, so that we may live in peace and harmony. We may not always agree about everything, but let us come as near together as possible. The American Commissioners are not infallible, but I feel sure the impartial world does not justify the British-Canadian Commissioners in their persistency in breaking off negotiations on account of a failure to agree upon a single question, the Alaskan boundary."

This Joint High Commission stands out in strong contrast with its predecessor, the Commission of 1871. The questions before the latter were more important, complicated, and irritating, and yet its members came together with an earnest desire to find a solution honorable to both parties. Not only were the "Alabama" and other Civil War questions adjusted, but a satisfactory settlement was reached as to all pending questions with Canada, including the heated controversy as to the San Juan boundary. I hope it may not be invidious to point out the fact that the Commission of 1898 contained only one English and four Canadian statesmen, whereas the Commission of 1871 had only one Canadian and four English statesmen.

Sir Wilfrid Laurier, in addressing the Canadian Manufacturers' Association in 1907, said that "to-day Canada has

attained the full rank of a nation." More than fifty years ago, when there was considerable agitation for independence or annexation to the United States, the London "Times" said: "We have been taught wisdom by experience, and the most valuable as well as the most costly of our lessons has been taught by the barren issue of a conflict with a province which from remonstrance drifted to rebellion, and crowned rebellion with independence. We should not go to war for the sterile honor of retaining a reluctant colony in subjection. We should not purchase an unwilling obedience by the outlay of treasure or blood."

This is doubtless the sentiment to-day of the intelligent and ruling classes of England, and the Canadians fully understand it. It may be said that Sir Wilfrid's declaration is inexact, in that Canada does not possess that important element of sovereignty, the treaty-making power. But while that is true in theory, it is hardly so in practice. We see that Sir Wilfrid goes to Paris to conduct the negotiations for a commercial treaty with Canada, one of his Cabinet Ministers goes to Japan to adjust the immigration question, and a clause is inserted in the Treaty of Arbitration between the United States and Great Britain of 1908 which in effect provides that no matter affecting the interests of a self-governing Dominion shall go to arbitration without its assent. The full independence of Canada will come whenever it shall happen that the Government at London refuses to accept and ratify a treaty or shall obstruct a measure regarded by Canada as vital to her interest. When her independence is achieved, her statesmen will be more considerate of American sentiment and needs.

It is gratifying to note that the public men and the people of the two neighboring States are growing more moderate and forbearing in the discussion of their mutual relations, and that we may look forward to the time when all jealousy and unfriendliness shall disappear.

## CHAPTER XXXVI

### THE ALASKAN BOUNDARY SETTLEMENT

To one familiar with the history of our relations with Canada it does not seem strange that the Dominion members of the Joint High Commission of 1898 should break up its deliberations and refuse to settle any other of the questions at issue because of a difference of views as to the Alaskan boundary. From the very beginning of our independence as a nation, our northern boundary-line has been the source of almost constant discussion, often of angry controversy, and more than once has brought the countries to the brink of war.

The question as to the St. Croix River arose soon after our independence, and was followed by the dispute as to the islands in and near Passamaquoddy Bay. The Northeast Boundary was a subject of arbitration and diplomacy through many years, a state of border warfare was created, General Scott was sent to the scene to preserve the peace, and it was only settled by the Webster-Ashburton Treaty in 1842. The line through the St. Lawrence and the Great Lakes had to be adjusted by a commission. Another commission was unable to agree upon the boundary through Lake Superior and the Lake of the Woods, and it remained unsettled until 1842. The line from the Rocky Mountains to the Pacific Ocean remained for forty years a subject of controversy. A claim on our part to the whole territory from California to the Russian possessions was made a party cry, in a presidential campaign, of "Fifty-four forty or fight," and only yielded to diplomacy after a bitter contest. But that settlement was hardly made when a new controversy arose over San Juan Island, the settlers became involved, a colli-

sion was threatened, and a second time the services of General Scott were invoked to preserve the peace.

The adjustment of that dispute, in 1872, at last established an unquestioned line from ocean to ocean. The review shows that the boundary disputes have been a perennial source of trouble, and that it is a threatening evil to leave them unsettled. Every part of the frontier line, from the initial point on the Atlantic to the last water boundary on the Pacific, has been a matter of controversy, and sometimes of such bitter contention as even to threaten war.

When the Joint High Commission adjourned in February, 1899, it was to reassemble upon the call of the two chairmen. In a memorandum which I prepared for the use of Secretary Hay at his request, I took the ground that it was useless for the Commission to reassemble until the boundary question was disposed of, and that, if a permanent settlement could not be reached, it might be possible to agree upon a *modus vivendi* as to the line in the vicinity of Lynn Canal, the only portion about which early trouble was threatening.

Acting upon this suggestion a *modus* was effected as to the passes over the mountains in that locality in October, 1899, and thus the necessity for an immediate permanent adjustment of the boundary was overcome.

At this stage of the question I was invited by the National Geographic Society to deliver a lecture upon the Alaskan boundary. It was felt that in view of the deadlock in the Commission, the public should be informed of the reasons which led the American members to adhere so strenuously to their position; but before accepting the invitation I consulted Secretary Hay, who advised its acceptance, and said that the only reason he could imagine against it was that I would show our case to be so strong our people would never consent to any adjustment with Canada. I delivered the lecture in November, 1899, and it was printed in the Society's magazine and in pamphlet form, and had a wide circulation.



LONDON ALASKAN TRIBUNAL

After the *modus vivendi* was agreed upon, the seat of the negotiations was transferred to London. Lord Pauncefote, the British Ambassador in Washington, who was on a visit home, had several interviews with Mr. Choate, the American Ambassador, and the hope was held out that a satisfactory settlement might be reached. But when Mr. Choate solicited the British proposal in writing, it proved to be the same one which had been advanced by the British-Canadian members of the Joint High Commission and rejected by the American members, to wit, a reference of the entire Alaskan boundary question to arbitration upon the basis of the late Venezuela boundary dispute. The objection of the Americans to such a method was that it put in peril territory which had been in undisputed possession of our Government for more than a generation and upon which towns had been built and large enterprises established. The counter-proposition of the Americans was that the question should be referred to a joint commission of jurists, composed of an equal number from each country, and that the question should be decided by a majority vote of such commission, thus requiring one member to vote against the contention of his own Government before a settlement could be reached. This method was in conformity with the unratified arbitration treaty signed in 1896 between Secretary Olney and Lord Pauncefote.

A diplomatic correspondence, extending through two years, followed between Mr. Choate and Lord Salisbury. At Secretary Hay's request I prepared the instructions under which Mr. Choate conducted the discussion, but he was not able to induce the British, or rather the Canadian, Government to recede from its position.

In the autumn of 1902 the vacancy in the British Embassy at Washington, occasioned by the lamented death of Lord Pauncefote, was filled by the appointment of Sir Michael H. Herbert, a brilliant young diplomatist, ambitious to achieve some notable success in his mission. Within a short time

after his arrival in Washington he was able to bring his Government and Canada to agree to accept the proposition of the United States, originally made in the Joint High Commission and afterwards urged by Mr. Choate in his correspondence with Lord Salisbury, and a treaty to that effect was signed between him and Secretary Hay on January 24, 1903.

This treaty provided that the question of the Alaskan boundary should be referred to a tribunal of six, composed of three members nominated by each Government; that a majority of votes should be necessary to a decision; and that the Tribunal should render a decision which was to be made up of answers to seven questions specifically set forth in the treaty. Experience had shown that the work of courts of arbitration and international commissions is not infrequently nullified or impaired by their members exceeding their powers in rendering their decisions, or by a departure from the terms of reference. In framing this treaty, we sought to avoid all error in this direction by the careful manner in which the points at issue were set forth.

While Mr. Herbert had scored an important success in securing the assent of Canada to the treaty, an equally important step was yet to be taken in obtaining the assent of the Senate of the United States. A feeling pervaded our country that no concession whatever should be made respecting territory so long in undisputed possession of the United States. This feeling was strongly presented in an editorial in the leading newspaper of Washington immediately after the terms of the treaty were made public, in which the Senate was urged to reject it.

It was contrary to my custom to discuss in public pending treaty matters with which I had any connection; but I feared that unless some immediate steps were taken to resist this feeling, it might take possession of the Senate. I also felt that, as it was known that I had stoutly contended for the

American position in the Commission and had publicly defended it, I might with propriety and possibly with some effect combat the spirit of the editorial; and, without consulting Secretary Hay, I addressed the editor a signed communication in the next issue of the paper, giving five reasons why the treaty should be ratified by the Senate.

Mr. Hay expressed himself as greatly gratified at the timeliness and force of my communication, and caused it to be printed in pamphlet form and sent to every member of the Senate; and it was also printed by the Senate as a public document. I was especially gratified, however, by the manner in which my effort was received by those whose claims I had so strongly opposed, which is shown in the following letters: —

British Embassy,
Washington, Feby. 2, 1903.

*Personal.*

My dear Mr. Foster: —

I should indeed be wanting in courtesy if I did not write to thank you for the very fair letter on the Alaska Question which is published in the Washington "Post" of this morning. I know how strongly you feel that the American contention is the correct one, and I appreciate all the more the justice of your observations. Such a letter, coming from you who have such an intimate acquaintance with the subject, cannot fail to carry weight with the Senate when the Treaty comes up for consideration by that body.

I have worked hard to obtain the consent of my Government to the present arrangement ever since my arrival here, for I realize what a step in advance for the betterment of the relations between the two countries will have been gained if a decision is arrived at by the six jurists.

Believe me

Yours sincerely,

Michael H. Herbert.

PRIVY COUNCIL, CANADA,
OTTAWA, Feb. 4th, 1903.

DEAR MR. FOSTER: —

I have just had the pleasure of reading your letter to the Washington "Post" on the subject of the Alaska Boundary Treaty.

Will you allow me to offer you my very sincere congratulations for the eminently fair manner in which you have presented the case to the American people.

I now hope that the treaty will be promptly ratified by the Senate and that a strong body of jurists will forever dispose of that question.

I avail myself of this opportunity to ask to be remembered to Mrs. Foster.

Yours very sincerely,
WILFRID LAURIER.

In order to show that my fear was not unfounded as to the influences which might be brought to bear to induce the Senate to reject the treaty, I give extracts from letters which I received from Honorable F. W. Holls, a member of the American delegation to the first Hague Peace Conference and a prominent advocate of arbitration. Under date of February 9, he wrote me: "May I ask you kindly to send me two or three copies of the reprint of your letter to the 'Post' in behalf of the pending Alaska Treaty? I am so curious to see just what can possibly be said in favor of that — to my mind — exceedingly dangerous and unwise agreement that I shall study your argument with great care and an entire willingness to be convinced."

Neither my printed communication nor the letter I wrote in reply convinced Mr. Holls. In the course of a long letter, he said: "One of the most important and influential members of the Senate Committee on Foreign Affairs stated to me emphatically that it was an arbitration treaty in which we risked by an adverse decision the loss of territory, the title

[Facsimile]




Ottawa, Feb. 4. 1903.

Dear Mrs. Foster,

I have just had the pleasure of reading your letter to the Washington Post, on the subject of the Alaska boundary treaty.

Will you allow me to offer you my very sincere congratulations,

for the eminently
fair manner in
which you have pre-
sented the case to
the American people.

I now hope that
the treaty will be
promptly ratified by
the Senate, & that a
strong body of jurists
will for ever dispose
of that question.

I avail myself of
this opportunity to ask

you to be remembered to
Mrs. Foster.

Yours very sincerely
Wilfrid Lawson



to which in the United States has been vindicated by no one so ably as by yourself. . . . It seems to me that it would be both safer and wiser and more conducive to friendly relations with Great Britain than otherwise, if the present treaty were promptly and decisively rejected by the Senate."

Neither the hopes of Mr. Holls nor my fears were realized, for the Senate, with unusual promptness and little debate, agreed to the ratification of the treaty within two weeks after it had been signed. I was requested by the President to take charge of the preparation of the case for the United States and was appointed to act as agent before the Tribunal. The same method was observed as to the case, counter-case, and printed argument, as in the Bering Sea Arbitration at Paris, except that the time was much shortened, the treaty having been proclaimed March 3, and the printed argument on both sides exchanged September 2.

It is not possible within the limits of a chapter to set forth in any detail the claims of the two Governments as to the territory in dispute, and I must preserve the same course as in my chapters on the Bering Sea Arbitration at Paris, by referring the reader, who desires to follow up the subject, to the official publication of the proceedings of the London Tribunal.

It has already been stated that the Tribunal was to be made up of three members appointed by each Government. The treaty creating it required that its members should be "impartial jurists of repute, who shall consider judicially the questions submitted to them." The President nominated on his part Elihu Root, then Secretary of War and later Secretary of State; Henry Cabot Lodge, Senator of the United States from Massachusetts; and George Turner, Senator from the State of Washington.

After the adjournment of the Tribunal it was disclosed that the Canadian Government complained to the British Colo-

nial Office that the members nominated by the President of the United States were not such persons as were contemplated by the treaty, to wit, "impartial jurists of repute"; but the British Government did not regard this complaint of such a serious character as to bring it to the attention of the President. It was alleged that one of the American members had expressed himself publicly, sometime previous to his appointment, as strongly convinced of the justice of the claim of his Government. It was also objected that no one of the three was taken from judicial life, and that they all might be considered as political rather than legal representatives of their country. The editor of Hall's "International Law" (Ed. 1904) refers to the selection of the American members as a "serious blot on the proceedings."

Whatever appropriateness there may have been in the objections urged by Canada, the sequel showed that the selection of the President was judicious. It would be difficult to name three men in the United States with greater experience in and knowledge of public affairs, with better trained minds for the work they had to do, and who possessed in a greater degree the confidence of their countrymen. It is gratifying to state that they acquitted themselves in their delicate positions with entire credit to their country, without a word of criticism of their conduct, so far as I am aware, in either official or social circles of the British Capital, and it may be said that they displayed a judicial temperament at least equal to that of their Canadian colleagues, and were as susceptible to the arguments of opposing counsel. On one of the points strongly contended for by the United States, that of Portland Channel, they decided against their own Government, an example which seems to have had no effect on their Canadian associates.

Even in the United States some press criticism has been passed upon the action of the President in this matter, and it has been asserted that he should have named judges of the

United States Supreme Court or other high judicatory for the positions. It is due to the President to state that he offered the appointment to one of the justices of the Supreme Court, and that the latter declined, as it is understood, on the ground that he did not regard the post as in the proper line of his duties, and that it was not just to his associates to accept a position which would impose additional labor upon them. A second justice was then approached with a like result. There seems to be a growing sentiment in this country that the members of our highest court should not be called upon to discharge functions of a semi-political character, such as those relating to boundary disputes, nor that they should be burdened with additional duties when their labors are already sufficiently onerous.

The British Government named as members of the Tribunal Baron Alverstone, Lord Chief Justice of England; Sir Louis A. Jetté, Lieutenant-Governor of Quebec; and A. B. Aylesworth, a member of the bar of Toronto.

The Tribunal held its first session on September 3, 1903, in London, the place designated in the treaty. Some criticism was made of the action of Secretary Hay in proposing that city as the place of meeting. I cannot refrain from giving an extract from a protest received from an American in London.

He says: "I am greatly surprised to see by the New York 'World' that you intend to hold your meeting here in London. It shows that you lack a clear knowledge of the condition of things here. There is positively strong *Magnetic Influence* here in London that the English use to debilitate the American, and which at the same time holds the Englishman so strong that the American actually wilts before him, as is shown by the foolish talk of Ambassador Bayard. . . . Ambassador Choate is also a victim." Mr. Hay was too fond of a joke not to accompany its transmission with a characteristic note as follows: —

DEPARTMENT OF STATE,
WASHINGTON, June 4, 1903.

MY DEAR FOSTER:—

I do not know whether the appropriation will provide for lightning rods for each of you, but, if possible, I will strain the point that far.

Yours faithfully,

JOHN HAY.

The first meeting of the Tribunal was confined to an exchange of credentials of the members of that body and of the agents of the two Governments, fixing the days and hours of the sessions, and the method which should be observed by counsel in the oral argument which was contemplated by the treaty. It was arranged that sessions should be held five days in the week, adjourning on Friday to the next Monday, and that they should continue from 11 A.M. to 4 P.M. The British counsel were to open the argument, and it was to be closed by the American counsel, three lawyers on each side to speak alternately. The Attorney-General of England, Sir Robert B. Finlay, opened for Great Britain, followed by David T. Watson, Esq., for the United States; Mr. Christopher Robinson, of Canada; Honorable Hannis Taylor for the United States; the Solicitor-General of England, Sir Edward H. Carson; and Honorable J. M. Dickinson closing for the United States.

An adjournment of nine days was taken for the convenience of counsel, and on September 12 the oral argument began. It occupied eighteen days, the only interruption being an adjournment upon the announcement of the premature death of Sir Michael H. Herbert, the British Ambassador in Washington, and to attend the funeral services held in memory of this young diplomatist, who had united in framing and signing the treaty by which the Tribunal was created.

The time consumed in the oral argument may attract the notice of lawyers who are accustomed to the more expedi-

tious methods in our domestic courts, the Supreme Court of the United States, for instance, rarely permitting arguments, even in important cases, to extend beyond two or three days; but such a period is not unusual in international tribunals. In the Fur-Seal, or Bering Sea Arbitration at Paris in 1893, the oral argument occupied forty-three days.

A noticeable feature of the London Tribunal was the marked contrast in the manner of argument or delivery between the British and American lawyers. The former were very deliberate in speech, rarely raising the voice, accentuating words, or using gestures. They sought to impress the court by their careful presentation of the facts and the cogency of their reasoning. This method was doubtless very effective, but when it extended in the person of one advocate through seven days, it became somewhat tedious. On the other hand, the American counsel were vigorous in speech, frequent in emphasis, and somewhat active in gesture. They did not hesitate to indulge in a witticism to impress a point, and sometimes even ventured upon an amusing anecdote to illustrate their argument, which seemed to be welcomed by the court and enjoyed by the opposing counsel.

The oral argument closed on October 8. Judge Dickinson, in the name of the counsel for the United States, thanked the members of the Tribunal for their patient and considerate hearing, and Sir Robert Finlay indorsed Judge Dickinson's remarks, and, in the name of the British counsel, expressed their pleasure in meeting in friendly rivalry their friends from America. I followed with this statement: —

"Having approached the end of the open sessions of the Tribunal, I desire, in the name of the Government of the United States and on behalf of my associates and myself, to make public recognition of the extreme friendliness and consideration with which we have been received by the British Government and its representatives. Not only has every facility and convenience been afforded us for the dispatch of

the business which brought us to this capital, but these acts have been attended with marked courtesy and kindness. And our sessions have been accompanied by a generous hospitality so characteristic of the English people.

"In making this public acknowledgment, it is especially pleasant to recall the fact that during our prolonged sessions not a harsh word has been spoken, nor an unpleasant incident occurred to mar the harmony of our intercourse. May this be an indication of the character of the decision to be rendered by this Tribunal, which both nations await with so much interest."

To this the President of the Tribunal, Lord Alverstone, replied: "We are very much obliged to you, Mr. Foster. I am sure His Majesty's Government will much appreciate the words you have used with reference to the hospitality you have enjoyed."

On October 20 the President of the Tribunal delivered its decision to the two agents representing their respective Governments. As the treaty which provided for the adjudication and created the Tribunal did not go into effect till March 3, the entire proceedings occupied less than eight months, an instance of promptness in an international adjudication of magnitude and gravity almost without parallel.

The questions submitted to the Tribunal were of a somewhat complex character, and, as I have already stated, for a full comprehension of them an examination must be made of the published official documents. But the two leading points of the controversy may be concisely stated as follows: First, the contention of the United States was that under the treaty between Russia and Great Britain of 1825, the boundary-line of the strip of territory in southeastern Alaska ran back from the coast a sufficient distance (claimed to be about thirty miles) to include the head of all salt-water inlets. The Canadians contended that the line cut across various of these inlets, so as to give them access to the ocean. Second, a difference of

views existed as to the water boundary-line on the south, at and in the vicinity of 54° 40′ north latitude, the United States claiming that it ran through Portland Canal south of a few uninhabited islands, and the Canadians that it ran north of those islands.

In my examination for and preparation of the case I found that while our claim on the first point was irrefutable, there was ground upon which the Canadians might base an argument in support of their contention as to the water boundary-line. I accordingly suggested to Secretary Hay that this condition of the question might afford an opportunity for a compromise decision of the Tribunal, and that it would be well for him to explain the situation to the President, who had been very strenuous in support of our entire claim. When I called on the President to say good-bye before going to London, he took me over to a large globe in his private office, and apparently oblivious of my years of study of the question, pointed out to me a line which he thought we might agree to, which was the very one I had explained to Mr. Hay. I found he had been well "coached" by his Secretary of State.

The decision of the Tribunal, the two Canadian members dissenting, was in favor of the first or chief contention of the United States, by fixing the land boundary well back of all the inlets; and the water boundary was so drawn as to give Canada two of the four uninhabited islands.

The two Canadian members were criticised, too severely, I think, for their action in refusing to sign the decision. They might find their defense in the language of the treaty itself, which says: "The decision . . . shall be signed by the members of the Tribunal assenting to the same." They also might cite distinguished precedents for their conduct. The Lord Chief Justice of England, Sir Alexander Cockburn, who represented Great Britain on the Arbitration Tribunal at Geneva which adjusted the *Alabama* claims, not only refused to sign the award, but accompanied it with a vigorous protest and

rather unseemly conduct. A similar precedent is to be found in the Halifax Fisheries Arbitration of 1877, when the American member not only refused to sign the award, but questioned its validity. A better practice was observed in the Fur-Seal Arbitration at Paris, in 1893. The two American members, Justice Harlan and Senator Morgan, were outvoted on almost every one of the six points submitted to the Tribunal; but, without withdrawing their votes, they cheerfully united with their colleagues in signing the award.

The two Canadian members of the London Tribunal did, however, incur more deserved criticism in their action in giving to the press, on the same day the decision was announced, a carefully prepared interview, in which they declared that the decision was not judicial in its character, the plain inference from which was that the majority members of the Court had been influenced by improper motives, as the treaty required that they should determine "judicially" the questions submitted to them. They further gave it to be understood that their British colleague, after agreeing with them in their position as to Portland Channel, changed his attitude and voted with the American members; and they added that there is "no process of reasoning whereby the line thus decided upon by the Tribunal can be justified." It is hardly necessary for me to accentuate the impropriety of judges arraigning in the public press their colleagues on the bench for improper motives and inconsistent conduct. Lord Alverstone said, referring to this matter, that he declined to justify or explain his conduct, because such a course would be a death-blow to the confidence reposed in the British bench. He needs no vindication. No living man has had greater experience in international adjudications, and no one has done more to preserve peace and good will between the two English-speaking nations.

In view of the substantial failure to sustain the British contention as to the boundary, it is not strange that angry

criticism and bitter disappointment were expressed in Canada. Similar feelings were manifested in England over the Geneva Award. The people of the United States were very angry at the Halifax Award, and were by no means pleased with the result of the Fur-Seal Arbitration at Paris; but the sober second thought of these Anglo-Saxon peoples has been that, however disappointing the outcome, this process of adjusting international disputes is better than to continue the controversies, and infinitely better than a resort to war. The British agent, Honorable Clifford Sifton, immediately after the announcement of the decision in London, said publicly in the most kindly spirit: "I have to say that the agent and counsel of the United States have acted with perfect courtesy and good faith throughout." And on his return to Ottawa and the resumption of his place in the Dominion Cabinet, he announced that the decision would be accepted and carried into effect in good faith.

The proceedings of the Tribunal were followed with much interest in the United States and the outcome awaited with a degree of confidence not unmixed with anxiety. Something of the feeling may be seen from the letter of Secretary Hay, written in reply to one from me giving the details of the situation in London up to the opening of the oral argument:

NEWBURY, NEW HAMPSHIRE, Sept. 20, 1903.

DEAR GENERAL FOSTER:

I have read with great interest and satisfaction your letter of the 4th of September. I sent it on to the President — he returns it to me with the endorsement, "An excellent letter. I hope all will go well."

Everything has gone well so far — much better, in many respects, than some of us had feared. Our firm, yet good-natured attitude, for which we have to thank you, has succeeded in getting the Tribunal into action, and apparently in securing a reasonably speedy conclusion of the discussion.

Mr. Finlay cannot talk forever, and, sooner or later, we shall have a chance to show the irresistible strength of our case.

I hear the usual pessimistic forecasts — some from London — some from this side. But I shall not believe, till I am forced to, that Lord Alverstone can so shut his eyes to law and evidence as to give a verdict against us, especially as he must know that this is the last chance for an honorable and graceful retreat from an absolutely untenable position. I am sincerely sorry they have got themselves into such a fix; but it is their own fault, and they will make a fatal mistake if they refuse to avail themselves of the opportunity we have given them to get out.

I am, with best wishes,

Faithfully yours,

John Hay.

The decision of the Tribunal was the occasion of editorials in all the London dailies the morning after its delivery, the most of which were in good spirit, as evidenced from this extract from the "Times": "Englishmen will assuredly feel now, and most Canadians will, we believe, very soon agree with them, that the inestimable gain of settling definitely a question which offered perennial opportunities for exciting discord between two great kindred nations is one that far outweighs any disappointment aroused by a decision which, after all, practically leaves things as it in fact found them."

Secretary Hay was prompt in sending me a cablegram as follows: "We all send cordial congratulations on the result of your arduous labors. It is a decision which does honor to both nations." The President's message to me was: "I cannot congratulate you sufficiently on your admirable work and on the result." Mr. Choate, in a farewell note to Mrs. Foster on our leaving for home, wrote: "Again, good-bye, I have greatly enjoyed your company and General Foster's. His success here must be a lifelong satisfaction to him, as it

[*Facsimile*]

NEWBURY

NEW HAMPSHIRE

Sep. 20. 1903

Dear General Foster

I have read with great interest and satisfaction your letter of the 4th September. I sent it on to the President he returned it to me with the indorsement, "an excellent letter. I hope all will go well."

Everything has gone well so far – much

better, in many respects, than some of us had feared. Our firm, yet good-natured attitude, for which we have to thank you, has succeeded in getting the Tribunal into action and apparently in insuring a reasonably speedy conclusion of the discussion. Mr. Finlay cannot talk forever and some-

or later, we shall have
a chance to show the
irresistible strength of
our case

I hear the usual
pessimistic forecasts — come
from London come from this
side. But I shall not
believe, till I am forced to,
that Lord Alverstone can
so shut his eyes to law
and evidence, as to give a
verdict against us. Especially
as he must know that this
is the last chance for an

honorable and graceful retreat from an absolutely untenable position. I am sincerely sorry they have got themselves into such a fix; but it is their own fault, and they will make a fatal mistake if they refuse to avail themselves of the opportunity we have given them to get out.

Yours with best wishes

Faithfully yours

John Hay

always will be to his country." On landing in New York I found a brief note from Mr. Hay: "Dear General, welcome home, and Io Triumphe!"

I made reference in my remarks already quoted to the courtesies of the British Government. There was set apart in the Foreign Office in Downing Street a series of apartments for the use of the Tribunal and those connected with it. The public sessions were held in the ambassadorial reception-room, a large and commodious hall, well lighted and artistically decorated. Adjoining this was a consultation-room for the private sessions of the Tribunal, and connected with it was the state dining-room, where a bountiful collation was served at the daily recess of the Tribunal. Adjoining the other end of the ambassadorial hall were a number of spacious rooms devoted to the use of the agent and counsel of the United States and the British agent and counsel.

Our stay in London was at the season (September and October) when the city is practically deserted by the members of official and social life. For generations past such has been the fashion. Mr. George M. Dallas, American Minister there more than fifty years ago, in his interesting "Letters," wrote: "No city can be imagined duller than London . . . during this season, when Parliament, public functionaries, club frequenters, the Court, and fashion have all sped away as if flying from pestilence. Everything becomes insipid, languid, and listless. The resorts, the libraries, the galleries, the shows are shut up. The great thoroughfares are thinned. The crowd of equipages have vanished."

Nevertheless, the members of the Tribunal and staff were the recipients of many social attentions. They were guests at many "week-end" parties in the country, none of which were more cordial or entertaining than those of Lord Alverstone at his country-seat in Surrey. The Lord Mayor gave a banquet at Mansion House in their honor. The Goldsmith's Company, one of those unique and ancient guilds of London, also gave a

banquet in honor of the Tribunal, as a mark of appreciation especially of Lord Alverstone, who was a member of the guild. A reception and dinner of the Pilgrims of London was presided over by Field Marshal Earl Roberts. The King returned to Buckingham Palace to give audience to the Tribunal; and every official attention possible at that season was extended to it.

Amongst the members of the Tribunal, the agents, and counsel there were many exchanges of dinners, receptions, and other social courtesies, and the dullness of the season in London life was hardly felt by them. Of those individual entertainments one of the most notable was that given by Lord Strathcona and Mount Royal, the Resident Agent of the Dominion of Canada. He was a man of wealth and entertained his guests in princely style. At the age of eighty-three he was able to represent the Dominion in public affairs, and was very active and vivacious in society. The participation of old men in society is and has been a special feature of London life. It was noticed by Mr. Dallas, who refers to the wonderful readiness of the oldest and ablest men to mingle, night after night, and all night, in the light gayeties of life; and he gives a long list, among whom figured Lord Lyndhurst at 85, Brougham at 80, Lansdowne at 77, Palmerston at 75, and Baron Park at 75, who were found wherever amusement, though in the form of mere show, was to be had.

One of the most interesting of our excursions to the country was that made by Mrs. Foster and myself upon a special invitation from Sir Henry M. Stanley, who had a charming country-place in Berkshire. I had never before met Sir Henry, but we knew much of each other through mutual friends; and he sent me a message that he was not able to come to the city to see me, and begged that we would make him a visit. He was paralyzed in his lower limbs, but was strong and clear intellectually as ever and talked with me with great animation about the countries I had visited. He died some months

later. His wife, a member of the well-known Tennant family, a brilliant and interesting woman, has married again, but retains her name of Lady Stanley, a practice, I am told, not uncommon in England.

The only disagreeable feature of our stay in London was the miserable weather which attended us — rain, chilliness, cold, clouds, and little sunshine. It is a subject upon which foreign visitors to the metropolis usually descant. Hence it is a relief to hear an occasional good word for London weather. Mr. Hay, in a letter to me while he was Ambassador, wrote: "I start in a day or two for a little glimpse of African sunshine. I have not seen the orb of day for three months. I do not kick at the English weather — I rather like the warm winter, without snow. But the darkness grows tiresome after a while and the humidity affects the spirits."

President Roosevelt has been credited by the public press with the statement that the result at London was "the greatest diplomatic victory of the United States during the present generation." Secretary Hay, in one of his letters, stated that the event was "one of the greatest transactions of my life." It is not becoming in one who was a participant in the proceedings so characterized to discuss these declarations. I may say, however, without impropriety that the greatest value of the decision is not in the detailed terms of the award, but in the fact that it brought to a conclusion an irritating controversy — that it removed a serious obstacle to better relations between these two neighboring countries.

The chief credit on the American side for this result is due to the President and the Secretary of State, who had the courage, against many protests and in spite of the prevailing sentiment that it would be a useless proceeding, to submit the question to a judicial tribunal. Still greater credit is due the Prime Minister of Canada, Sir Wilfrid Laurier, who, in the face of stronger opposition, consented to such a reference. While the outcome was not such as he desired, it was doubtless

a relief to him to know that this dangerous subject was removed from the arena of controversy, and with the lapse of time his people have come to recognize that he acted wisely and for the best interests of his country.

# CHAPTER XXXVII

## THE HAGUE PEACE CONFERENCE — ITS ORGANIZATION

FOLLOWING the public announcement in 1906 that the Emperor of Russia, accepting the suggestion of the President of the United States, would convoke a second peace conference of all the nations of the world, the Imperial Chinese Minister in London, Mr. Wang, sent a memorial to the Emperor recommending my appointment as a delegate to represent the Chinese Government at the coming conference. Mr. Wang's residence in the principal Capital of Europe had led him to the conviction that his Government could not be properly represented at such a world conference without having among its delegates one more experienced in diplomatic matters and better versed in international law than any Chinese subject likely to be appointed.

The memorial of Mr. Wang was supported by a memorial from Sir Chentung Liang Cheng, the Chinese Minister in Washington, and in due time these memorials were favorably acted upon and I was appointed a delegate. This being the second time I had had conferred upon me by the Emperor of China an important trust, I esteemed the appointment one of high honor and responsibility. My commission was inscribed on a large scroll of yellow parchment, with an artistic hand-sketched dragon border, with a double text of Chinese and Manchu characters and the Imperial Seal between them — credentials much more imposing in form than those given by Western nations.

With the approval of the Chinese Government, I selected as my secretary Mr. H. R. Whitehouse, who more than twenty years before had been my private secretary in Madrid.

Since then he had filled several diplomatic posts in the service of the United States and was an accomplished scholar in several European languages. I sailed from New York on May 31, 1907, accompanied by my wife and my grandson, John Foster Dulles, a student of Princeton University, aged nineteen, who, on our arrival at The Hague, was made a secretary of the Chinese delegation, and because of his knowledge of the French language was enabled to render useful service to the delegation.

The Second Peace Conference at The Hague was, in some respects, the most important event in the history of the human race. It was the first time that the political representatives of all the nations of the earth had met together. During the last half-century it had grown to be the practice for the delegates of many nations to hold conventions for the promotion of specific interests, as the Red Cross, the Postal Union, protection of submarine cables, and the like. But never before had all the nations through their diplomatic representatives assembled in one body to consider their mutual interests, and especially to concert measures to promote peace and to prevent war or to ameliorate its horrors and inconveniences.

The significance of this event is the more conspicuous when we recall the history of mankind. In the remotest ages it was the struggle of one warlike nation to dominate the rest. In Greece the Amphictyonic Council represented a few petty states occupying a small territory, while all the world beyond were barbarians and enemies. In the long sway of Rome no independent nation was tolerated within the reach of its warlike legions. In medieval times the Popes sought to restrain the arrogance and cruelty of sovereigns, but Christendom then covered but a small part of the surface of the globe, and their influence was slight in preserving peace. The Congress of Westphalia and other diplomatic gatherings of the later centuries were of a few European nations only, and were the

offspring of long and bloody wars. The Congress of Vienna of 1815 and others following the fall of Napoleon resulted in the league of a few despotic Powers and the utter disregard of the rights of all others.

The latter half of the nineteenth century showed a marked improvement in the spirit which governed the deliberations of the conferences of European diplomats, the most notable of which was that of Paris of 1856, which promulgated the four rules as to privateering, free ships, and blockade. The influence of commerce and a spirit of international justice were beginning to be felt among the Great Powers. The Pan-American Conference which met in Washington in 1889–90 was another indication of this growing sentiment. The convocation of the First Peace Conference at The Hague in 1899, where twenty-five nations met in time of peace to consider their mutual interests, was the inauguration of a new era in international relations. But it required the concurrence of all the nations of the earth to give it world-wide application, and this was the unique significance of the Second Peace Conference at The Hague.

The place of meeting was wisely chosen. It did not afford the comforts and attractions of some of the larger capitals of Europe, but it was an appropriate place for such an assembly. The reasons, in part, for the choice have been officially given. The rescript of the Czar which constituted the invitation to the First Conference in 1899 stated that "His Imperial Majesty considers it advisable that the Conference should not sit in the capital of one of the Great Powers where so many political interests are centred, which might impede the progress of a work in which all the countries are equally interested."

The President of that Conference in his opening address said: "In the quiet surroundings of The Hague . . . upon the historic ground of the Netherlands, the greatest problems of the political life of States have been discussed; it is here,

as we may say, that the cradle of the science of international law has stood; for centuries the important negotiations between European Powers have taken place; and it is here . . . we find ourselves surrounded by great historic traditions."

Besides these considerations, The Hague is an attractive city, well built, interspersed with open squares ornamented with historic statues and works of art, has one of the most unique picture galleries of Europe, many scientific institutions, libraries, and clubs, is intersected by canals which add to its picturesqueness, and surrounded by extensive parks with giant trees and pleasant drives and walks. It is situated two miles inland from the ocean, but the suburb of Scheveningen, with its palatial hotels, shops, and boulevard, is one of the noted seaside resorts of the Continent. Nevertheless the Dutch Capital could hardly be considered gay by pleasure-lovers. This is indicated by the fact that the theatre is only open during the three winter months. An ambassadorial delegate, noting the absence of such attractions, remarked that the only form of amusement he had found was "listening to a hand-organ from the hotel window, and that came only once a week."

The little Kingdom of Holland is one of the most interesting countries of the world, and the sojourner may profitably spend weeks and months in visiting its historic scenes, examining its institutions, and studying the character of its people. The thriftiness and industry of its inhabitants and the general air of prosperity do not fail to impress the stranger. The Dutch are among the most intelligent of all countries; education reaches the lowest classes; and the government and society give evidence of the general enlightenment. The country possesses special interest for Americans as the home of refuge for some years of the Pilgrim Fathers; to its great leader, William the Silent, we are chiefly indebted for the freedom of thought and worship incorporated in our Con-

stitution; and we drew largely from its experience in framing our system of government.

The Dutch are naturally proud of their history, of their great achievements in war, in colonization, and the establishment of free institutions; and their public men feel very keenly their present situation, threatened on the east by the great military establishment of Germany and on the west by the preponderant naval power of Great Britain. One of the late Prime Ministers talked very fully and freely with me on the subject, lamenting the helplessness of "my poor country," as he termed it, to resist the ambitious designs or political exigencies of either of those great Powers. He said, "We stand constantly in fear of them. If a great war should occur in Europe one of the results may be the loss of our independence. Only a little while ago, when the Morocco question was disturbing the relations of Germany and France, forty-two German warships were sent into our ports as a naval demonstration; and after they were withdrawn, fifty-four British men-of-war paid us a similar visit."

One of the things which most attracts foreigners is the indomitable energy and persistency with which the people of the Netherlands — the Low Lands — protect themselves from the ever-threatening inroads of the ocean and the practical use they make of the great water-supply in their canals to cheapen transportation and for irrigation. President Roosevelt in his trip down the Mississippi referred in one of his speeches to the herculean work of the Hollanders, and stated that, with one tenth of the effort and expense, we, an infinitely greater and richer nation, might reclaim and render secure from floods the rich bottom-lands of the much more extended Mississippi Valley, and at a comparatively small cost might utilize for constant and cheap transportation the abundant waterways which Nature has provided us.

In addition to the interest which attached to the Dutch people and their Capital, the delegates to the Second Peace

Conference were provided a place of meeting full of historical associations. The *Binnenhof* had its origin in the thirteenth century as the residence of the Count of Holland, constituting a fortress and series of buildings surrounded by a moat. It has undergone changes, but the old gate of entrance still stands and much of the ancient architecture. Within this enclosure many of the important scenes in Dutch history were enacted. The *Ridder-Saal*, or Hall of the Knights, the meeting-place in medieval times of the knights of Holland and where they and their retainers held their feasts, was fitted up by the Government for the sessions of the Conference.

It is a spacious and imposing hall, with high vaulted ceiling and artistic stained-glass windows, very attractive in appearance, but on account of its bad acoustic properties unsuited for the deliberations of the Conference. Hence only the formal meetings, or, as they were termed, the plenary sessions were held in it; and smaller rooms in the same building were comfortably arranged for the deliberative sessions.

Forty-six nations were invited to the Conference and their names were enrolled, but only forty-four sent delegates; no representatives appearing from Costa Rica and Honduras, the former possibly for pecuniary reasons and the latter because of a revolution and disputed authority. The only other independent countries of the world not represented were Abyssinia and Liberia, both unimportant factors in international affairs.

A Korean delegation, bearing credentials from the Emperor, appeared at The Hague and sought recognition, but received no encouragement. The action of the Emperor in conferring upon Japan full authority to represent Korea in its foreign relations was accepted as an accomplished fact. This action of the Emperor led to his dethronement while the Conference was in session. The right of Cuba to send delegates was not questioned, notwithstanding the actual assumption of the government in that republic by the military

authority of the United States. In that case, however, the functions of the diplomatic representatives of the Republic had not been interrupted.

In the invitations sent by the Emperor of Russia to the nations, no limit had been fixed as to the number of their representatives. The result was that no uniformity existed in the delegations, but there was a general similarity. The delegation of the United States, for instance, numbered 12 persons, including secretaries and experts; Great Britain, 13; Germany, 10; Russia, 14; Austria, 14; France, 14; Brazil, 12; Mexico, 4; Panama, 2, etc.

The enumeration of the personnel of the delegation of the United States of America will indicate in a general way the composition of those of other nations, especially the Great Powers. The three first delegates of the United States, with the rank of ambassador, were Joseph H. Choate, late Ambassador to Great Britain; Horace Porter, former Ambassador to France; and Uriah M. Rose of Arkansas, former President of the American Bar Association; to these were added, with the rank of plenipotentiary, David J. Hill, Minister to the Netherlands, and William I. Buchanan, former Minister to Argentina; General George B. Davis, Judge-Advocate-General, in representation of the Army, and Admiral Charles S. Sperry, of the Navy; James B. Scott, Solicitor of the Department of State, as technical delegate and expert in international law; Charles H. Butler, Reporter of the Supreme Court, technical delegate and expert attaché; and a secretary and two assistant secretaries.

As indicated from this list, the Great Powers had three classes of delegates: First, diplomatists; second, army and navy representatives; and, third, experts in international law and diplomatic formulas. In one respect, however, the European delegations differed from that of the United States in that their members were largely persons who had had experience in the work of international conferences and commis-

sions, whereas none of the United States delegates, with a single exception, had ever sat in such a conference. These nations keep at their command experts especially in international law, who are always called upon for such service; men like Renault of France, Lammasch of Austria, and Martens of Russia; and they have the greater influence in a conference because of their experience and recognized learning.

The first three delegates from the United States, it is noted, were given the rank of ambassador, while in the delegations of the other leading Powers only the first delegate was named an ambassador. It was supposed that this rank would give our delegates greater prominence and usefulness, but it proved a pure fiction, and our Government as a democracy might well have avoided setting an example to the monarchies of the world of the cultivation of rank and personal distinction among delegates, who should be in name, as they were in fact, on an equality. The only effect of their high rank was to cause some inconvenience to the hosts in the seating at dinner-parties.

Thirty out of the forty-four nations at the Conference sent no delegates of ambassadorial rank, and all were upon the same footing in respect to their rights in the sessions. The seating of the delegations was arranged in the order of the names of the nations in their alphabetical order in the French language. The same order was observed in the calling of the roll. In all these respects the great and small nations stood upon the same plane, and not only were entitled to but did receive the same respect and treatment.

The delegates arrived at The Hague from all quarters of the earth about the same time, and were in large measure strangers to each other. It was a perplexing question for the resident diplomatic body to determine how these gentlemen were to exchange their official calls or to become acquainted with each other. After grave deliberations it was decided that on the day before the meeting of the Conference each mem-

ber of a delegation was to leave his card upon all the members of the other delegations, also upon all the palace officials and the heads of the different departments of the Dutch Government, including the wives. Hence on that day the streets of The Hague and of Scheveningen were full of automobiles and carriages, dashing about in hot haste in all directions, with the secretaries of the respective delegations leaving handfuls of cards at every stopping-place. After these perfunctory card-visits, each member of the Conference was supposed to have made the acquaintance of his colleagues. My secretaries reported that in that one afternoon they had deposited eleven hundred cards, and it was estimated that a total of 95,836 cards had been distributed by and to the delegates and officials.

The Second Peace Conference had been initiated by President Roosevelt, but he had yielded to the intimation of the Czar that it would be pleasing to him, as the initiator of the First, to call the Second Conference. In accordance with the call the delegates assembled in the Hall of the Knights on Saturday afternoon, June 15, 1907. The Conference was called to order by Mr. van Tets van Goudriaan, Dutch Minister of Foreign Affairs, who welcomed the delegates in the name of Queen Wilhelmina, and named M. Nelidoff, Russian Ambassador to France, as President of the Conference, who delivered an address reviewing the work of the Conference of 1899 and expressing hope for a still further advance by the present Conference, but at the same time cautioning its members not to indulge in extreme expectations. The organization was further advanced by the selection of Mr. W. Doude van Troostwijk, of the Dutch Foreign Office, as Secretary, who proved a most efficient and courteous officer; and a number of assistant secretaries, taken from the various delegations, were chosen.

At the second session it was determined to follow the action of the First Conference, and to divide the members into four

commissions and assign to each of them specific subjects for their consideration. M. Bourgeois, first delegate of France, was named chairman of the First Commission; M. Beernaert, first delegate of Belgium, of the Second Commission; Count Tornielle, first delegate of Italy, of the Third Commission; and Professor Martens, of Russia, of the Fourth Commission. The first, second, and fourth of these gentlemen had acted as chairmen of the three commissions into which the First Conference was divided.

Considerable criticism was made upon the method of organization, as being in the hands of a small coterie of European members, which left the Conference nothing to do but accept their arrangements. In view of the initiative of President Roosevelt, it was felt in some quarters that one of the chairmanships should have been given to the first delegate of the United States. But he had not been a member of the First Conference and did not speak French. The feeling manifested led to the conviction with the majority of the delegates that in future conferences the organization should be left to the free action of its members, and not controlled by one Power or a coterie of a few European States.

Another feature of the Conference which occasioned comment was the monarchical spirit which marked its proceedings. For instance, in sending messages to the Emperor of Russia thanking him for convoking the Conference, and to the Queen of the Netherlands for extending the hospitable reception, the messages were "laid at the feet" of their majesties. Had the phraseology of the republics, who constituted almost one half of the representation, been followed, those messages would have been "placed in the hands" of the heads of state.

The method of procedure or dispatch of business was somewhat unique. The Conference was too numerous to constitute a satisfactory deliberative body, hence the division into commissions. Each delegation was at liberty to assign its mem-

bers to the several commissions as it saw fit. The First Commission was given the subject of arbitration and kindred matters, such as the permanent court and the prize court; the Second and Third Commissions had charge of the rules and methods of military and naval warfare; and the Fourth Commission of all other matters embraced in the programme, such as the immunity of private property at sea, contraband, blockade, rights of neutrals, etc. For instance, I chose assignment in the First and Fourth Commissions, leaving the Second and Third to be attended by the Chinese military delegate. Every delegate, however, was at liberty to attend the sessions of any of the commissions. By this arrangement there were rarely more than one hundred delegates present at any session.

Four days of the week were given to the meetings of the commissions, there being a forenoon and afternoon session, and they were so arranged that no two commissions were in session at the same time. Saturday, Sunday, and Monday were free days, which were devoted to consultations, preparation for the coming sessions, or excursions to places of interest. After the close of every afternoon session a very sumptuous lunch was served in an adjoining room by the Dutch Government, which afforded opportunity to cultivate more intimate acquaintance and a freer exchange of views among the delegates.

The method of business was for the delegations or members to introduce at the sessions of the commissions such propositions in writing as they chose upon the subjects indicated in the programme set forth in the correspondence of the Russian Government preceding the convocation. Those propositions were then printed and copies sent to each delegate. In due time they were taken up and discussed in the Commission to which the subject pertained, but previous notice was given of the topic which was to occupy the attention of each coming session.

The discussions were carried on mainly by written ad-

dresses, which were read by the speaker, and especially in the earlier sessions of the commissions there was very little extemporaneous debate, and hence scant opportunity for the display of oratory.

After all had spoken who desired on a given proposition or project, a vote was usually taken upon it. The roll of the nations was called, and each delegation cast a single vote. Often a reservation or explanation accompanied the vote of a delegation, and on controverted propositions some nations were apt to abstain from voting, awaiting instructions from the home Government or because they did not choose to take a positive position.

If the proposition was voted down, that terminated its consideration. If it was carried by a considerable majority, it was usually referred to a Committee of Examination (*comité d'examen*), consisting of a comparatively small number and representing the views of the majority and of the different phases of the opposition. It was the duty of this committee to seek to reconcile the conflicting views and reach some form of proposition upon which there would be unanimity.

The foregoing brings out the fact that this assemblage of the nations was not a parliament or legislative body, but a conference for exchange of views; and that no definite and binding action could be taken respecting which there was any considerable dissent; in other words, all measures had to be adopted by unanimity. This fact was illustrated by the action of the Conference upon one of the most important measures which it had before it. After several weeks of earnest discussion there seemed to be a general disposition to accept it, but the delegation of one nation manifested an irreconcilable opposition. This nation was able to bring to its aid four other nations, only one of which was of great importance. It was proposed that the overwhelming majority of nations should unite in a treaty upon the subject; but the objecting nations gave it to be understood that they would regard such

a step as a disregard of the rights of the minority, and that they would withdraw from the Conference if such action was taken. This intimation caused the abandonment of the proposed action.

If the Committee of Examination was successful in reconciling the conflicting views, the proposition was amended accordingly and reported back to the Commission. If the new form of the proposition was accepted by the Commission, it was in due time submitted to the Conference in plenary session and approved by it. Sometimes, however, the report of the Committee of Examination was not accepted by the Commission, and after discussion the proposition was again submitted to the Committee with instructions. It may thus be inferred that a considerable part of the work of the Conference was done in these select and small committees. This was especially true in the last weeks of the Conference.

After the propositions or projects had passed the plenary sessions they were referred to an Editing Committee (*comité de rédaction*), composed of the most expert members in diplomatic practice and expression, whose duty it was to put them into the form of conventions to be signed by the delegates and ratified by the nations. It was the duty of this committee to make the language clear where vague, and to see that there was no conflict between the various conventions.

The language of the Conference was the French, but any delegate was permitted to speak in the language he chose to use. If in another language, a translation or epitome of it in French was at once given. Mr. Choate, the head of the American delegation, always spoke in English. He said he preferred to speak in good English rather than the bad French used by so many of the non-French delegates. Herr Kriege, the second German delegate and representative of the Foreign Office of Berlin, spoke in German, although he had a conversational knowledge of French and English. The first delegate of Japan usually spoke in French, but in the heat of

debate he sometimes turned to English, in which he was more proficient.

At one of the sessions I was surprised to hear one of the delegates from Bulgaria, the Attorney-General of his Government, address the Conference in English. Soon afterwards he sought me out and said he wanted to make my acquaintance in order to express to me his gratitude to my country. He then explained that he had received his education at Robert College (an institution established at Constantinople by American Congregationalists and Presbyterians), where he learned his English, and that to President Washburn and his associates he owed a debt that he could never repay. He added that there were more than one hundred of the former students of Robert College who were holding prominent positions in the Government of Bulgaria, and that his country owed its independence and enlightenment in large measure to that institution.

The reporters for the press and the public were excluded from the sessions of the commissions, the delegates were enjoined by the presiding officer to observe secrecy as to the proceedings, and to supply the demand for news a report of each session was to be prepared by the Secretary of the Conference and furnished to the press. But it was found impracticable to enforce the secrecy. All propositions and a *procès verbal* or report of each session were printed and sent in triplicate to each delegate, and they were easily obtainable by enterprising newspaper men, and, besides, the average delegate spoke not only to the Conference, but for his home constituency, and was not averse to seeing his speeches in print.

A daily newspaper (*Courrier de la Conférence*), devoted exclusively to the Conference, was published and sent to all the members. Its editor, William T. Stead, was a well-known English editor, writer, and speaker; a man of idiosyncrasies and high ideals, but not very practical in the advocacy of his

schemes. He was unsparing in his criticism of the conduct of the British delegation, and was quite free in the expression of his opinion respecting other delegates.

During the sessions The Hague was visited by a number of persons and committees, representatives of peace societies and other humanitarian organizations, seeking to impress their views upon the delegates. As a rule they received respectful consideration by the President and delegates. Probably the most notable of these was Baroness von Suttner of Austria, the author of the novel "Lay Down Your Arms," a strong and effective picture of the horrors and uselessness of war, which won for her the Nobel Peace Prize. Mrs. Foster and I saw a good deal of her during her stay, and learned to admire her intellectual accomplishments and her devotion to the cause of peace.

The personnel of the Conference was a subject of interesting study. Never before had there been such an assemblage of public men. They were the select of the nations, persons who had achieved distinction in the service of their respective Governments and had shown peculiar fitness for the important work entrusted to them.

The President of the Conference, M. Nelidoff, was chosen because he was at the head of the Russian delegation, whose ruler, the Czar, had convoked the assembly. He entered the diplomatic service in the Russian Foreign Office while Nesselrode still was at the head of that Ministry, and served through the time of Gortchakoff, thus having the personal inspiration of these two greatest of Russian diplomatists. He drew up and was a signatory of the Treaty of San Stephano, which he saw torn to pieces at Berlin, had served as Ambassador at Constantinople and at Rome, and now holds the post of Ambassador at Paris. He is a thoroughly trained diplomat, and presided with dignity and acceptability, but did not exercise the influence upon the delegates which a man of stronger intellectual force might have done. But he came to The Hague

in poor health, and as a consequence was confined to his room during a part of the sessions. He won the sympathy of his colleagues in the following words of his address at the final adjournment: "The delegates to the Second Peace Conference have finished their work. . . . Many among us will meet again here some years from now. I, among others, shall not be present, but I hope that in working on the continuance of our task you will remember with sympathy our collaboration, and sometimes kindly remember him who has had the honor of presiding over your deliberations, and is animated by the most sincere wishes for the success of future conferences and the growing development of solidarity in international relations, based on justice and the law."

The Chairman of the First Commission, M. Bourgeois of France, was one of the most conspicuous and useful members of the Conference. He had had a long and varied public career in his own country, from the lowest to the highest posts, serving with a Cabinet portfolio in almost every Ministry for the past fifteen years, and also as Prime Minister. Being a member and chairman of the same commission in the First Peace Conference of 1899, he was the more efficient in the Second; and being in thorough sympathy with the highest objects of the Conference, he labored assiduously for their realization.

Baron Marschall von Bieberstein, the first delegate of Germany, was a conspicuous figure in the assembly. Of large frame, commanding presence, and intellectual appearance, he would attract attention in any company. He spoke French fluently, and having been trained in the legal profession his utterances were always marked by clearness and force. These qualities stood him in good stead during the sessions, as on some of the most important questions he was in a small minority, and was put upon his mettle to defend his position. His hearing was defective, and when a delegate arose some distance away from him, to speak on a question in which he

was interested, he would stalk across the hall and stand near the speaker until he had concluded.

The British delegation contained men of distinction. The first delegate, Sir Edward Fry, had attained eminence in his profession of the law, but was without experience in political life; hence his recognized talents were not so effective in a body largely composed of trained politicians. He was eighty years of age, the Nestor of the Conference, but in full vigor of health, and though he spoke French haltingly, and with a broad English accent, he always commanded attention and his views had great weight. He is a strict member of the Society of the Friends, and an author of standard authority in works on both religion and law.

The second British delegate, Sir Ernest Satow, had spent thirty-five years in the Far East, and is excelled by few as a Japanese scholar, but he had no opportunity to make use of this accomplishment in the Conference. Lord Reay, the third delegate, had had a rare experience. He was born at The Hague, was for twenty years in the Dutch diplomatic and legislative service, and later inherited a Scotch peerage, became by naturalization a British subject, and holds a seat in the House of Lords.

The Dutch delegation was one of the most able and best equipped. The Chairman of the Second Commission, M. Beernaert, the first Belgian delegate, a member of the First Conference, of large experience at home, was recognized as a forceful man; but it was understood that he was not in harmony with his own Government on some of the important questions before the Conference and in the latter part of the sessions ceased to exert his influence. The man of all others who commanded universal attention and weight when he spoke was Professor Renault, of the French delegation. His use of his native tongue was perfect, and he was sure to enlighten every subject which he discussed.

The person who gained the most reputation out of the Con-

ference was Mr. Choate, the head of the American delegation. He was much handicapped by his imperfect knowledge of the French language, but his ability as a speaker was recognized early in the sessions. His long training at the bar, his political and diplomatic experience, his courtly address, and his ready wit admirably fitted him for the important rôle he had to play. The American delegation presented more important and controverted propositions than any other delegation, and Mr. Choate had the chief burden to bear in their defense, well supported as he was by the expert delegate, Dr. Scott. In the discharge of this duty he antagonized able men in the opposition, but he never lost the respect and esteem of the delegates. The manner in which he sometimes met his opponents was illustrated in one of his replies to Baron Marschall, the German delegate, who at the outset seemed to give his adhesion to the American plan of obligatory arbitration, but later became its most strenuous opponent and succeeded in defeating it by minority obstinacy. He said: "Indeed, while the Baron admires obligatory arbitration without reserve in the abstract form, he does not want it on earth, but prefers it in Heaven. He even dreams about obligatory arbitration, but immediately after waking up he turns toward the wall in order not to see it."

Professor Martens, one of the Russian delegates, had much to do with the work preliminary to the opening of the Conference, having been sent by the Russian Government to the Capitals of Europe to confer about the programme of subjects. Notwithstanding the President had been taken from the Russian delegation, Mr. Martens was made chairman of one of the most important commissions, a position which he had held in the First Conference. He is well versed in international law and the forms of diplomatic practice and is a ready speaker, but did not rank in point of ability with the first men of the Conference. He subjected himself to much criticism both by the delegates and in the press on account of his

conduct in the chair, freely using his position to urge his views of pending questions. For instance, after the debate on the American proposition for immunity of private property at sea had been closed and Mr. Choate had demanded a vote, M. Martens before taking a vote, according to the press report, "with evident irritation began a speech in opposition which, seeing he is chairman, was strongly lacking in discretion." Other reports criticised him because "from the chair he takes an active part in the discussion."

One of the persons whom he most antagonized was Señor Barbosa, the first delegate from Brazil, who by his frequent speeches sometimes exposed himself to criticism. He was one of the most remarkable men of the Conference on account of his versatile talents and his ready speech. At the beginning he wearied the delegates by his long discourses on almost every topic introduced, but before the close he had established himself as one of the strongest debaters and most erudite of the members.

The South American nations, which took part for the first time, sent a number of other able men to the Conference, one of the most notable of whom was Señor Drago, whose name has been associated with the doctrine against the collection by force of contractual claims against nations. These delegations acquitted themselves generally with credit and commanded the respect of their associates. Some comment has been passed upon the fact that they did not always follow the lead of the United States; but that was not strange, as they were all independent in their duties and entitled to their own views of the subject before them.

## CHAPTER XXXVIII

### THE HAGUE PEACE CONFERENCE — ITS RESULTS

During the four months of the sessions of the Conference there were many questions stoutly contested, and the debates were often quite animated and sometimes marked by earnest feeling, but at no time was there any want of parliamentary courtesy and no animosities were engendered. As expressed in one of the resolutions presented by M. Bourgeois and unanimously adopted at the adjournment, "all the States of the world, in working together for four months, not only learned to know each other better by getting closer together, but developed during this long collaboration high ideals for the common welfare."

One of the attractive features of the Conference was the manifestation of social courtesies. Mrs. Foster and I carried with us letters of introduction to a number of the Dutch families resident at The Hague, and we were at once ushered into a society as cultured and hospitable as is to be found in any other European Capital. Although the sessions were held mostly in the vacation season of The Hague, the official and society circles remained at home to receive and entertain the delegates.

Soon after the organization all the delegates and their wives were received by the Queen and Prince Consort in the royal palace of The Hague; later the heads of delegations were entertained at dinner by their majesties in the royal palace at Amsterdam; two garden-parties were given in honor of the delegates at the historic "House in the Woods"; and the Queen presented to each delegate a silver medal specially struck to celebrate the event, one side bearing the legend,

"*Donum Wilhelminae Neerlandiae Reginae ad secundum pacis conventum legato,*" and the name of the delegate; and on the reverse a representation of the Hall of the Knights, with the sun of justice shining above it.

A most elaborate entertainment was given by the Burgomaster of The Hague in one of the large hotels at Scheveningen, in which the dances and songs of the Dutch peasantry were produced in native costumes. The city of Rotterdam gave a water-fête on the River Meuse, which enabled its authorities to show the extensive docking improvements they have made along the river, and concluded with a sumptuous entertainment in one of the public parks. The Government of Belgium carried all the delegates and the ladies, by rail and steamer, to the ancient city of Bruges, where there was given a medieval tournament, at which the Golden Fleece of the Emperor Charles V was exhibited.

After those official entertainments, the various delegations began a series of dinners and evening parties which extended nearly to the time of adjournment. All this tended to create a more friendly and intimate acquaintance among the members, but the multiplicity was a severe test of their gastronomic capabilities. It will indicate the extent of these entertainments when I state that the American delegation gave four elaborate dinners to nearly one hundred guests each, and an evening party to more than one thousand; and these in addition to the private dinners of the individual delegates. It may be stated in this connection that the American Legation, in one of the pleasantest suburbs, presided over by the Resident Minister, Dr. Hill, and his accomplished wife, was the centre of the most refined and hospitable entertainment, and was enjoyed by all the delegates.

The Conference, which opened on June 15, closed its sessions on October 18. The result of its labors has been variously estimated by the press and the public. In Europe a general spirit of skepticism seemed to prevail. In passing

through London on my return from The Hague I met at dinner Mr. Moberly Bell, one of the proprietors of the "Times," and Mr. Cyril, its managing editor. I complimented them on the accuracy of the reports of the sessions by their correspondent. "Do you really read them?" said Mr. Bell. "I supposed no one cared for them." He then proceeded to say that he regarded the projects of the Conference as purely visionary, and likely to stir up more strife among the Powers than the good they would do. The next day I met a number of English statesmen at luncheon and sat by Lord St. Aldwyn (Sir Michael Hicks-Beach), a member of the late Conservative Ministry, and I found him and most of them having little faith in the movement.

Both in Europe and America, those who believe in vast armaments as the best security of a nation and the surest test of its greatness are inclined to belittle the work at The Hague, even to pronounce it a failure. On the other hand, those who labor for the things which make for the peace of the world, and who believe that there is a better way than war to solve controversies between nations, — a way more honorable, practicable, economical, and humane, — see in the results of the Conference a notable advance on the road to the accomplishment of those ends; an advance not as great as they desired or hoped for, but a substantial advance.

The accomplished acts of the Conference which take the shape of international treaties were as follows: —

I. An amendment and enlargement of the conventions of the First Peace Conference of 1899 for the pacific settlement of international disputes, making more emphatic the duty of neutral nations to mediate between belligerents, perfecting the formation of committees of inquiry, and improving the order of procedure of courts of arbitration.

II. Prohibition of the employment of force for the collection of contractual debts against nations willing to submit the questions involved to arbitration. This measure was in-

troduced by General Porter of the American delegation, and is regarded as one of the most important achievements of the Conference.

III. Requiring the opening of hostilities to be proclaimed and notice thereof by telegraph to neutral nations.

IV. A revision of the laws and customs of war on land.

V. Regulations concerning the rights and duties of neutral powers and persons in land warfare.

VI. Regulations regarding the treatment of enemy's merchant vessels at the beginning of hostilities.

VII. Regulations regarding the transformation of merchantmen into warships.

VIII. Regulations in regard to the placing of submarine mines.

IX. Regulations concerning bombardment of towns by naval forces in time of war.

X. The adaptation of the principles of the Geneva Convention to maritime war.

XI. Restrictions upon the right of capture in maritime war.

XII. For the establishment of an international prize court.

XIII. Regulations concerning the rights and duties of neutral powers in maritime war.

The object of dividing these measures into thirteen separate treaties was to enable the nations to sign such of them as they chose, and to abstain from others about which their Governments had made certain reservations. These treaties, most of which will doubtless go into effect, show that the accomplished acts of the Conference were of real significance and importance, especially the amendments to the arbitration treaty of 1899, the conditional prohibition of the collection of contractual debts by force, and the creation of an international prize court of appeal, although the latter is likely to be delayed in its formation.

But the action on the measures which failed or which were

only partially successful were of equal significance. They can be noticed only very briefly.

It was apparent before the meeting of the delegates that the measure which the friends of peace had most at heart, the limitation of armaments, would not be a subject for consideration. There had been a complete change in the attitude of Russia since the convocation of the First Conference in 1899, when the limitation of armaments had been announced as the chief object of the convocation. Germany remained, as in 1899, firmly opposed to any discussion, and the influence of those great nations was sufficient to exclude it from the programme. But the feeling was so strong that some utterance looking to limitation should be made that a resolution was adopted reiterating the expression of the First Conference that the nations should examine the possibility of limitation, and, in view of the increase in armaments since that date, it was declared extremely desirable to see the Governments take up again the serious study of the question. This has been styled a meaningless and hypocritical declaration, but it can hardly be so regarded. Rather let us regard it as the yearning of mankind for a higher standard of greatness for nations than that which now rules the world.

The immunity of private property at sea was brought forward by the American delegation at an early stage, and was supported by a carefully prepared speech by Mr. Choate of over an hour — the longest speech of the Conference. It brought forth a general discussion, in which the British delegation led the opposition. And singularly enough, the strongest arguments they advanced were the citation of the views of a distinguished American naval officer and author, Captain Mahan, who wrote an article against the proposition for an English magazine which appeared just on the eve of the meeting of the Conference and was generally read by its members. It was an occasion of much comment that an American official would at such a time publicly antagonize his own

Government on a project advocated by it since its foundation.

My view of the question was presented in a speech in which I sought to show that the American proposition was only the outgrowth or corollary of the rules of the Congress of Paris of 1856, now accepted by all nations; and that the arguments against the immunity of private property could with equal propriety be urged against those rules. I dwelt at some length upon the enormous growth in recent years of maritime commerce and that it should be exempt from the obstructions of war. I concluded as follows: "We can claim with some assurance that to-day the normal state of the nations is peace and their abnormal condition is war. Such being the case, it is perfectly proper to insist that the nations which will not observe the dictates of reason, but feel impelled to resort to war, should disturb the commerce and industries of the nations at peace as little as possible, and that so far as maritime commerce is concerned their operations should be restricted to the territorial waters of the belligerents . . . I look forward to the day when the right of search will be abolished, when contraband can only be enforced in territorial waters, and when the high seas shall be left free to the peaceful commerce of the world, unvexed by warring Powers."

When the vote was taken upon the American proposition twenty-five nations declared in favor of it, and eleven in the negative. It was proposed to seek some middle ground upon which all might unite, but as Great Britain, Russia, France, and Japan, important commercial Powers, had declared against the principle, it was felt that no middle course was practicable. Later the British delegation introduced a proposition to abolish the contraband list except as to blockade, and the American delegation antagonized it. I felt strongly that both delegations were playing an inconsistent rôle, as the two propositions were nearly akin in principle, and that the two Governments might well have stood together, and

thus brought about a material advance towards the protection of neutral commerce.

The American delegation introduced the project of obligatory arbitration, based upon the treaties which were submitted to the Senate of the United States in 1904, but with a provision which obviated the objection of that body. At first it seemed as if it would receive a practically unanimous support, but as the debate progressed Baron Marschall announced the opposition of Germany, and he was able to bring four other nations to his position. The best that could be done under the circumstances was to adopt a resolution declaring unanimously in favor of the principle of obligatory arbitration, and that certain differences, especially those regarding the interpretation and application of treaty stipulations, were proper subjects for submission to arbitration. This, though a disappointment to the ardent friends of arbitration, was a decided step in advance of the action of the First Conference.

The subject most stoutly and longest debated was the project for the establishment of a permanent court of arbitration. It was introduced and championed by the American delegation, but met with serious opposition from the friends of the present method of organizing a court and especially from the smaller nations, which claimed a judicial right of representation on the court. As it was proposed to limit the court to fifteen or seventeen members, it was impracticable to give each nation a representative on it, and upon this point no agreement could be reached. On all other questions connected with it a plan was carefully worked out and adopted for the constitution and procedure. The Conference passed unanimously a resolution recommending to the nations the adoption of this plan (containing thirty-five articles) and putting it in operation as soon as an agreement is reached on the choice of judges. It has been suggested, as there are quite a number of nations ready to join in organizing the court, that

these unite in putting it in operation, and trust to time and a demonstration of its utility to bring the other nations into its acceptance.

A number of other resolutions were adopted by the Conference before its adjournment, only one of which I must take space to mention. This was the recommendation to the Powers to hold a Third Peace Conference within eight years, and in view of past experience it called attention to the necessity of making suitable preparations in advance, and to this end it suggested that two years before the time fixed for the next meeting a committee should be intrusted with the preparation of a programme, so that the subjects to be considered might be studied in each country before the Third Conference meets.

This action was one of the most important taken, as it contemplates the reassembling of the nations at stated periods to consider the matters which affect their peace and mutual interests. I have shown that the Second Conference walked in the footsteps of its predecessor, but made a decided advance over it, raising still higher the bulwark against hasty and unnecessary wars; and doubtless the Third Conference may resolve some of the questions left unsettled by its predecessor. The provision for its meeting will encourage the hopes, which have heretofore been regarded as visionary, that the time may come when there may be established, in the proper sense of the term, a parliament of nations.

During its sessions the Conference halted in its work to take part in the exercises attending the laying of the cornerstone of the "Palace of Peace," to be erected at The Hague through the munificence of Andrew Carnegie, an American citizen. The Dutch Government accepted the fund given by him, purchased a tract of thirteen acres, beautifully located, at a cost of three hundred thousand dollars, and created a commission to erect the building and hold it in trust for the use of the peace conferences and the arbitration courts instituted by them.

Not only did the United States exercise an important influence at the Conference, but there were other American citizens who were delegates in that body. Besides my own position in the Chinese delegation, another American acted as a delegate from Japan, Henry W. Dennison, who has for many years served as the legal adviser of that Government. A native of Vermont, from a clerkship at Washington he was appointed, in 1868, to a subordinate position in the American Consulate at Yokohama. After some years in that post, during which he devoted himself to the study of law, he opened a law office at Yokohama for practice before the foreign consular courts. In 1882 he was invited by the Government of Japan to accept the post of permanent legal adviser to its Foreign Office, and has continuously held that position, during which time he has established a high reputation as an international lawyer. He attended the Japanese Peace Commissions at the close of the war with China and also with Russia. He has received from the Japanese Government the highest decorations attainable by any one except members of the Imperial family. The first delegate of Japan, speaking to me of Mr. Dennison's services and position at The Hague, said: "I am the cockade; he [pointing to his forehead] is the brains."

An incident of the Conference illustrates the enterprise of "Young America" in foreign lands. A short time before leaving for The Hague, I was called upon by a young man bearing a letter of introduction from a professor of Harvard University, of which institution he was a graduate in its collegiate and law departments. He had likewise taken a degree in the school of political science at Paris under Professor Renault. His object in visiting Washington was to secure admission, if possible, into our diplomatic service. I was favorably impressed by him, but was not able to aid him in the object of his visit.

Soon after I reached The Hague the young man called on

me, and said he had come in the hope of securing a place in the Conference by becoming attached to some delegation, and thus have the benefit of this experience in fitting himself for the diplomatic service. I told him there was no place for him (as he had hoped) in the Chinese delegation and, I thought, none in that of the United States. I advised him to obtain and examine a list of the delegations of Central and South America, and that in some of them he might find a place as secretary, as he asked no compensation.

He soon returned and told me there was only one delegate from the new Republic of Panama and no secretary. With my recommendation he was able to secure an appointment as Secretary from Panama, and his name forthwith appeared in the official published list. But his ambition did not stop there. Through the influence of Professor Renault he succeeded in being appointed on the *Sécrétariat Général*, and proved one of the most efficient and useful assistants of the Conference.

The military delegate of China established a great reputation as a wit, notwithstanding he was one of the most serious-minded of the members and never consciously attempted a joke. While the subject of the formal proclamation of war was under consideration, he asked the Commission what should be done when one nation declared war against another if the latter did not wish to fight. At another session, when the same subject was under discussion, he stated that he regarded it as important that the Conference should define accurately what constituted a state of war, for, said he, "my country has had its navy destroyed, its ports bombarded, and its capital occupied by foreign troops, when the aggressing nations declared that their acts were not war, but only *expeditions*," referring to the French hostilities of 1885 and the allied occupation of Peking in 1900. The only answer he received to his inquiries from the Commission was a hearty laugh from the delegates, who regarded them as sallies of wit or sarcasm on the part of the Oriental member.

The press, speaking slightingly of the Conference, has variously estimated its expense at from $1,500,000 to $3,000,000. In order to make up the latter exaggerated estimate, the expense of newspaper correspondents and their telegraphic and cable dispatches is fixed at $250,000 and the banquets and other entertainments at $525,000. Even granting the estimate to be approximately correct, it is only about one third of the cost of one battleship of the latest type.

It is worth more than dollars or pounds, shillings, and pence that the representatives of all the nations of the earth have gathered in one great assembly with the avowed purpose of promoting peace; that they came together upon a perfect equality, the smallest and weakest nation on the same footing as the most populous and powerful; that they remained in session for four months, discussing great questions of world-wide importance in a friendly spirit and without a harsh word or a warlike threat.

And at the close we are able to point to substantial achievements: The creation of an international prize court; an improvement in the procedure for commissions of inquiry and arbitration; prohibition of the employment of force in the collection of debts; the adoption of further regulations for the amelioration of both land and naval warfare; greater protection of neutral commerce during war; a step in advance towards obligatory arbitration and the establishment of a permanent arbitral court; and provision for the periodic meeting of other world conferences of peace.

It is a record of which every lover of mankind may be proud. It is visionary to expect that wars among nations will cease, but let us hope that there is the dawn of a new day, when right, not wrong, justice, not force, will rule in the affairs of Governments; when no longer the world will be vexed by the ambition of an Alexander, a Cæsar, or a Napoleon; when the patriot will delight, not in the triumphs of formidable navies and vast armies, but in the achievements of peace,

industry, and commerce in the friendly competition of the nations.

My relations with my colleagues of the Chinese delegation were cordial and pleasant throughout the Conference. The first delegate, Lu Ching-tsiang, had been a member of the First Peace Conference, had passed more than ten years in the diplomatic service in Europe, and was an accomplished French scholar. The other delegates were the Minister Resident at The Hague and a military expert representing the War Office.

I was much hampered, however, in my duties by the instructions given by the Foreign Office at Peking. We were not to take any active or aggressive part on any controverted subject, to vote with the majority, and to follow the lead of Great Britain and the United States where they were united. It may readily be seen that, under such instructions, I could not take any leading or influential part in the proceedings. The instructions may have been wise from the point of view of the policy of inertia pursued by the Chinese Government but they afforded me little opportunity to exercise my experience in international affairs.

The first delegate, Mr. Lu, and his European wife, as well as the other members of the delegation, were untiring in their social courtesies, and I parted with them with an increased estimate of Chinese hospitality and urbanity. Our stay at The Hague was somewhat marred by inclement weather, but in all other respects it was pleasant and profitable. We were glad, however, to return to our native land from what is to be in all probability out last visit abroad and my last public service.

# CHAPTER XXXIX

## PRESIDENTS UNDER WHOM I SERVED

While a law student in Harvard University, I made my first visit to Washington in 1855. A friend took me to the White House to call upon President Pierce. It was the first time I had been in the presence of the Chief Magistrate of my country, and I was much impressed with the greatness and dignity of the office. I little thought then that I should be brought into personal or official relations with a long line of Presidents throughout the next generation. With the exception of Andrew Johnson, I have been honored by a commission and served my country under every President of the United States beginning with Abraham Lincoln and ending with Theodore Roosevelt.

In July, 1861, I was appointed Major of the 25th Indiana Regiment, and received a commission as such signed by President Lincoln. I never had the good fortune to meet Mr. Lincoln, as I did not visit Washington during his term, my service in the army being entirely in the Ohio and Mississippi valleys. My father, however, was a near neighbor of his during his life in Indiana, and held considerable correspondence with him in the presidential campaign of 1860 and during the Civil War.

Andrew Johnson I never knew personally and could not have received or accepted a commission from him, as during his administration I was the editor of a newspaper which was strongly opposed to his policy and official conduct. It was my fortune, however, during the war to visit his home, and I recall an incident of that visit. After the occupation of Knoxville, East Tennessee, by the Union forces in 1863, I was

ordered by our commander, General Burnside, to take a locomotive and a few cars we had captured at Knoxville and make a military reconnaissance by the railroad up toward the Virginia line to ascertain the condition of the road. We traversed the railway in the night as far as the Watauga River near the Virginia border, where we encountered the enemy in fortified position, and we were compelled to return. We reached Greenville, the home of Andrew Johnson, early in the morning, where a short stop was made. Just as we were moving off a man rushed up and boarded the train dressed in a morning gown and slippers. It proved to be Mr. Patterson, Andrew Johnson's son-in-law, afterward a United States Senator from Tennessee. He had been a quasi-prisoner in his home since the opening of the war because of his Union sentiments, and embraced this his first opportunity to escape into the Federal lines.

My acquaintance with President Grant began early in the Civil War, and ripened later into a friendship that continued to the day of his death. I first saw General Grant at the battle of Fort Donelson. At the end of the last day's hard fighting on our right, when the enemy's attempt to break through our line had been frustrated, late in the afternoon an order came to our brigade, on the extreme left, to form in column of regiments and charge the redoubt on the hill which commanded Fort Donelson. It was the last struggle of the long battle and proved a complete success. We had hardly occupied the enemy's works before General Grant rode up and, in the flush of victory, we gave him a rousing welcome.

Near the end of the first day's battle of Shiloh I again came in contact with him, when he rode up to the remnant of our regiment and ordered me to put it in position to protect a battery of artillery in the last alignment of our forces on that dismal afternoon. Some months later he issued a special order detaching me from my regiment for an independent command in Kentucky; and at the close of the East Tennessee

campaign he recommended me for promotion as a brigadier-general. Doubtless our intercourse in the army made more easy my appointment by him to the Diplomatic Service, of which I have given an account in my opening chapter.

After taking leave of him in 1873, on my departure to Mexico to assume my mission, I had no personal intercourse with him until he visited Mexico in 1880 at the termination of his tour of the world, of which visit I have already given an account. I was constantly with him during his stay of several weeks in Mexico and returned with him to the United States. During this time I was much struck with the equanimity with which he received the attentions and encomiums which were showered upon him. They did not seem to affect in the least his simplicity of manner and even temper.

On my return home and retirement from the Diplomatic Service, I saw a good deal of General Grant in Washington and New York. He seldom failed to call on me when in Washington and I was often the recipient of his hospitality in New York. I recall with sadness my last visit and conversation with him, when he was struggling with the fatal disease which soon after ended his life.

He was always a warm friend of Mexico; and he rendered me valuable assistance in the long contest I had, as counsel of the Mexican Government, in defeating the fraudulent claims known as "La Abra" and "Weil," of which I give an account in a later chapter. An incident of that friendship is worth relating. During the Civil War he had formed the acquaintance of Señor Romero, then and for many years afterwards the faithful and accomplished Minister of Mexico in Washington. After the disastrous wreck of the business firm in New York with which the General had associated himself so unwisely, Señor Romero called upon his old friend and had confirmed from Mrs. Grant, what he had heard before, that they were actually suffering temporarily for the necessities of life; and when he went away, without making any reference to it, he

left on the mantel a note addressed to the General inclosing a check for fifteen hundred dollars, which the Minister had saved from his scanty salary. It was a timely aid, afterwards returned with full measure of gratitude.

The fame of Ulysses S. Grant will rest most securely upon his achievements as a soldier; but his administration of the Presidency undoubtedly added to his reputation. His want of experience in civil affairs led him into many mistakes which a more experienced statesman would have avoided, his administration was smirched by dishonest officials, and some of his most cherished policies were rejected by the country; but in the main his Presidency must be regarded as a successful one. The settlement of our difficulties with Great Britain growing out of the Civil War, through the Treaty of Washington of 1871 and the Geneva Arbitration, is enough in itself to make an administration famous. He rendered an estimable service in maintaining the public credit and the faith of our war debt, and in placing the country upon a sound financial basis, against a popular clamor which would have intimidated a weaker man.

His greatest mistake in political life was in consenting to the use of his name as a candidate before his party convention for a third term as President. I have good reason for saying that he gave his consent against his better judgment. It was Mrs. Grant's wishes and the ambitious plans of his influential partisans that brought about a reluctant assent on his part.

My acquaintance with President Hayes began in the campaign of 1876, which resulted in his election. In the campaign of 1872 I had been the Chairman of the Republican State Committee of Indiana, and my success at that time led Senator Morton and other of the party leaders to ask me to leave my post as Minister in Mexico, and to come home and assist in the electoral contest; to which I consented. I regard that act as one of the most serious mistakes of my diplomatic

career. A diplomatic officer more than any other should be a non-partisan representative, and it is unwise for him to leave his post to take part in a political contest at home. The notable speech of Daniel Webster on the confirmation of Mr. Van Buren as Minister to Great Britain may be read by diplomats with profit, in which he said: "He [the American Minister] is to have no objects in his eye but American objects, and no heart in his bosom but an American heart; he is to forget self, and forget party, to forget every sinister and narrow feeling, in his proud and lofty attachment to the Republic whose commission he bears."

During this campaign I met and conferred with Mr. Hayes about the political situation, and when he came to form his Cabinet he proposed, as he informed me afterwards, to make me Secretary of War; but on conferring with Senator Morton he found that it would probably require three weeks to communicate with and get me to Washington, and, owing to the critical state of affairs on the eve of his inauguration, it was decided to make another selection from Indiana for the Cabinet, and R. W. Thompson was made Secretary of the Navy.

In my chapter on Revolutionary Mexico, I have mentioned that I was summoned to Washington in 1878 to give the President, Secretary of State, and the Congressional Committee information on the disturbed condition of affairs between the two countries. During this visit I was often at the White House and had several afternoon drives with President Hayes, that being his favorite exercise. He did not impress me as either brilliant or possessed of superior ability, but he was a good conversationalist, a man of practical common sense, conscientious, and patriotic. The embarrassments which surrounded his administration were unusual. He entered on his high office with a challenged title, he had a Congress opposed to him politically throughout his term, and the country was passing through a crisis of the Reconstruction Period in the South. And yet his administration made a good

record for accomplished acts, it was unusually free from scandals and dishonesty, and he so conducted affairs as to turn the Government over to a successor chosen by his own party.

I had less personal acquaintance with General Garfield than any of the Presidents with whom I was associated in official life. He came into prominence during my residence in Mexico, and my first meeting with him was in 1878 at a dinner given in my honor by Secretary Evarts. I had a pleasant conversation with him on that occasion, and in his complimentary reference to my services in Indiana politics and in Mexico he exhibited that charm of manner which won for him such a host of devoted friends.

Alexander II was assassinated during his Presidency, which, in accordance with European monarchical usage, made it necessary for him to re-commission me as Minister to Russia. I was also made by him the bearer of a message of condolence to Alexander III on account of the assassination of his father. It was a sad coincidence that very soon after I had delivered his message, he himself was stricken down by the hand of the assassin Guiteau. On my return to America he was still alive, though struggling with death, and I made my visit to Secretary Blaine at Elberon, where the seat of Government was temporarily located. I also attended his funeral services at Cleveland, and was assigned the duty of escorting the members of the Diplomatic Corps.

The prevailing sentiment in the country, when Chester A. Arthur was nominated as Vice-President on the ticket with General Garfield in 1880, was that he belonged to the class of not very reputable politicians and that his nomination was an unfit one; and I partook largely of this sentiment. In a letter from St. Petersburg I wrote: "We hear that ex-Collector Arthur of New York is the nominee for Vice-President. If so, I am very sorry. I think he is about the very *last man* the Convention ought to have selected." But I lived to radically change my opinion of him.

My first meeting with him was after he had assumed the Presidency, following the death of Garfield. I called to pay my respects to him while he was occupying the Butler Mansion on Capitol Hill. With much graciousness of manner, he asked me to stand by his side as he received a delegation which was just calling on him. After they had gone, he had quite a conversation with me, in which he said that Secretary Blaine had informed him of my intention to resign from the Service, and he urged me not to do so with such hearty earnestness that I almost repented of my resolution.

After I had established myself in Washington, I saw him a number of times, before I was summoned by him to the White House in 1883 to receive the offer of the Spanish Mission, as I have already related. This act brought me into closer relations with him, and during the winter of 1884–85, when I was called back from Spain on account of the pendency in the Senate of the reciprocity treaty, I had frequent occasion to meet and confer with him. No man since Washington has occupied this high office with greater dignity or was possessed of more courtly manners. My intercourse with him led me to form a high estimate of his sound judgment and his statesmanlike views of public matters. He was greatly handicapped by his former political affiliations in New York, but he was able to rise above them, and as a rule his appointments were of a high order. He was ambitious to secure the nomination of his party for another term, and would have succeeded but for one unwise appointment to office and his opposition to certain legislative measures of Congress. His chagrin and disappointment at the result probably contributed to cause his death, which occurred soon after his retirement from the Presidency.

President Cleveland's political career had been confined to the State of New York, and I first saw him at the Inauguration Ball in 1885. I next met him when Secretary Bayard took me over to the White House to confer with the President

about my return to Spain, of which I have given an account in a previous chapter. Our interview was brief, but cordial. Soon afterwards I was induced to go to see him on behalf of an old Harvard classmate from the South, whose friends were pressing him for an important appointment. He listened patiently to what I had to say, which developed the fact that I had not met my friend since our college days, and my commendation of his later life was based upon the information I had received from others. The President quietly punctured my story by asking me what I knew personally of his qualifications. I took my leave somewhat crestfallen, but impressed with the President's conscientious desire to do his duty intelligently. Nevertheless, my friend received his appointment.

During both the first and second terms of Mr. Cleveland's incumbency I was a resident of Washington, and had frequent occasion or opportunity to meet him. He always seemed to treat me as if I had been a member of his Administration, having in mind my few months' service under him in Spain. Mrs. Foster and I especially enjoyed the acquaintance and hospitality of Mrs. Cleveland, whose charming personality did so much to make the social administration of the White House a success. The high esteem in which Mr. Cleveland was held by the country after his retirement to private life was a striking testimonial of its appreciation of his public service, and it was especially manifested upon his death.

Of all the Presidents my relations with Benjamin Harrison were the longest and most intimate, not only because I was a member of his Cabinet, but also a lifelong friend. We began our professional careers in Indiana about the same time, — though he was two and a half years my senior, — and we were friends from that time forward. We were thrown together in the Lincoln electoral campaign of 1860; we were often together during the campaigns of the Civil War; and after the war we saw much of each other in political, professional, and church matters. In the two National Conventions when his

candidacy was pressed by his friends, I was favorable to Judge W. Q. Gresham, who had been my classmate in college and, like Harrison, an intimate personal friend. It is greatly to his credit that he never allowed my attachment to Gresham to interfere with our friendship.

When he became President he treated me as if nothing had occurred to mar the harmony of our relations. He knew that I had voluntarily retired from official life and was not ambitious to reënter it; hence he frequently consulted me as to appointments, especially those in the District of Columbia, of which I had been a resident for several years. In the second year of his term I was employed by Secretary Blaine to conduct the reciprocity negotiations under the McKinley Tariff, and, on account of Mr. Blaine's frequent attacks of illness and disability for the work of his department, I was often consulted by President Harrison in foreign matters, such as the Chilean trouble, the Bering Sea controversy, and others.

The personal relations between Harrison and Blaine while they were associated in the Administration and for some time afterwards was a subject of much comment. From the day of his election it had been the intention of Harrison to invite Blaine to become Secretary of State, but he was not in haste to send the invitation, and both Blaine and his friends became restless under the delay. When the letter of invitation was sent nearly three months after the election, its tenor was all that could be desired. Mr. Blaine spent the winter before the inauguration in Washington, and he frequently talked with me about the other Cabinet places, but I could give him no information as to the intentions of the President-elect. He was keeping his own counsel, when Mr. Blaine was expecting to be consulted on the subject.

Their relations at the beginning of the Administration were very similar to those which existed between Lincoln and Seward. The Secretaries, with their larger experience in public affairs and as party leaders, expected to be the con-

trolling force in the Administration. But they both soon found that the Chief Magistrate manifested a readiness to assume the responsibility and possessed the ability to conduct the affairs of Government. There never existed the same cordiality and intimacy of relations between Harrison and Blaine, as the latter established with Garfield, but he always had great respect for Harrison's capacity and character, and, although towards the end there was much tension, there never was any open breach in their personal relations. The recently published letters of Mrs. Blaine show that, while she felt no personal attachment to the President, she recognized his ability. In one of her letters, referring to his "great intelligence," she wrote: "Though I am not drawn to him, I cannot refuse him the homage of respect."

Some feeling was engendered at the outset of the Administration by the failure to secure the nomination of Walker Blaine, the eldest son, as Assistant Secretary of State, but he accepted with good grace the place of Solicitor of the Department. Mrs. Blaine was a woman of education and refinement, but of strong personality; and from the day that she had her interview with the President, when he declined to promote her son-in-law above many other deserving officers in the army, the Blaine family was hostile to Harrison. It was Mrs. Blaine, not Mr. Blaine, who encouraged his partisan friends to openly push him for the presidential nomination. Only a few days before the Republican Convention of 1892 met, I took a long walk with him, as was our wont, and he talked quite freely and, I felt, sincerely about the Presidency, declaring that he did not want it in his state of health and would not accept the nomination. It was the family influence joined to the entreaty of partisans which led him, against his own judgment, to tender his resignation as Secretary of State, when he was forced to decide between remaining in the Cabinet and allowing his name to go before the Convention.

The temperaments of the two men were so different that there could be no great intimacy in their personal relations. Congressman Dalzell has related an experience which illustrates their dissimilar characteristics. Mr. Dalzell accompanied a delegation of West Pennsylvania divines to invite the President to attend and address a convention of Scotch-Irish Presbyterians. Knowing that he was a devout member of that communion, they were hardly prepared for his refusal, which was based on the public demands upon his time. When they were disposed to press their invitation, he told them somewhat curtly that he could not accept, and they left the White House with no very cordial feeling for the Chief Executive. They next visited the Department of State, where Mr. Blaine received them warmly and invited them to be seated. Before they could tender their invitation to him, he entered upon a dissertation on the Scotch-Irish element of West Pennsylvania, his old home, and the divines of his acquaintance. When they were able to extend their invitation, he accepted it with much cordiality. They left greatly delighted, but Mr. Blaine never came to deliver his address, and forgot to send an excuse for his absence. The result led the delegation to revise their judgment of the two statesmen.

Another incident may throw some light upon President Harrison's characteristics. In a call which I made one day I found him in the library alone examining some samples of new postage-stamps. After showing them to me, he entered upon a high encomium of Mr. Wanamaker's work in the Post-Office Department. When I next met Mr. Wanamaker I told him what the President had said. He brightened up at once and showed great gratification, replying that he had labored night and day in the department with greater assiduity than he ever did in his private business, and yet he had never received a word of commendation from his chief. My experience in the Cabinet was much the same. I had reason to believe through his statements to mutual friends that he was

pleased with my work, but he never so stated to me. In his contempt for flattery he seldom indulged in praise. And yet he was eminently just in awarding credit when occasion required, as is shown in his letter which I have given in my chapter on Reciprocity.

Few of our Presidents — none since Lincoln — equaled Mr. Harrison in intellectual attainments. He was a lawyer of the first rank. As a speaker and debater he had few equals in his time. He was a good executive officer, and, as has been said, he could have discharged the duties of any of the departments of the Government with efficiency. He was intensely American. He was somewhat reserved in manner, which led to the charge in political circles that he was cold and unsympathetic, but no one gathered around him more devoted and loyal friends. With his high character and purity of heart, had he possessed something of Mr. Blaine's fascinating manner, he would have made an ideal President.

After his retirement from office in 1893 he might have been returned to the Senate, and his name was prominently mentioned for the Republican nomination for President in 1896, but he gave his friends no encouragement to press him for either place. In his letters to me and in conversation he declared his resolution not to reënter public life, and I felt that he was entirely sincere in this declaration.

He was devoted to his profession and enjoyed the practice of the law, and, as upon his retirement from official life he was not possessed of an independent fortune, he regarded it as a duty to his family as well as an agreeable occupation to resume his practice, which he did with success. In this respect he followed the example of his immediate predecessor, Mr. Cleveland, both of whom have been criticised for their course; but such criticism is not well founded so long as Congress makes no provision for ex-Presidents which will furnish them occupation or render them financially independent. Mr.

Harrison was not insensible to this criticism, as is shown by the fact that when he was asked to act as the counsel of the Venezuelan Government in its arbitration with Great Britain at Paris, he hesitated to accept until after a personal conference with me, in which I assured him that he could act in that capacity with propriety.

He did not approve of the policy of the Administration in retaining possession of the Philippine Islands, and he regarded the system of government established there as unwarranted by the Constitution; and he made some public expression of his views on the subject. During the pendency of the suits in the Supreme Court, brought to test that question, ex-Senator Hill of New York, one of the counsel in those cases, made a visit to Washington and held a long conference at my house with Mr. Harrison, who was then my guest, with a view to engaging him to make an argument upon the hearing before the Supreme Court. What was said in that interview I do not know further than that Harrison informed me of the object of Hill's visit and that he had decided not to appear before the Court. Hill is reported to have said since Harrison's death that had he lived he would have revolutionized the political parties of the country. I doubt, notwithstanding his devotion to principle, that he would have carried his opposition to the extent of breaking with the party which he had done so much to establish and maintain, and whose highest honors he had enjoyed.

Although I was familiar with William McKinley's face and acquainted with his public services, I was first brought into personal intercourse with him while he was in the midst of his arduous labors, as Chairman of the Committee of Ways and Means of the House, in framing his tariff bill. Secretary Blaine had antagonized the majority of that committee on the question of commercial reciprocity, and he arranged a conference for me with Mr. McKinley, at which I discussed the subject with him at considerable length. I found that at

that time he had given very little consideration to the policy, of which later he became a conspicuous champion. After his nomination and during the presidential campaign of 1896, at his invitation, I visited him in his home at Canton and had a long conversation with him on domestic politics and foreign affairs.

Soon after his inauguration as President, he asked me to accept the Turkish Mission. This action was brought about by the friends of missions and by prominent citizens of New York and Boston who had invested large sums of money in the Protestant colleges at Constantinople, Beirut, and elsewhere, and whose treaty rights were being flagrantly disregarded by the Sultan. I consented to undertake the task of procuring relief, in somewhat the character of a special mission for a brief period, on condition that the Legation be raised to the rank of an Embassy, so as to put me on a level with the representatives of the Great Powers of Europe. To this the Turkish Government objected, and I excused myself from going, though had I accepted, very likely the Porte would have refused to receive me, as my views on the Eastern Question and Turkish affairs were well known.

Soon afterwards President McKinley urged me to accept the Spanish Mission, stating to me that he regarded it as the most important diplomatic post in our Government, in view of the critical state of affairs in Cuba, and that with my experience in Spain I was better fitted for the post than any other person he could name. I was much flattered by the request, but, in addition to my reluctance to reënter permanently the public service, I felt sure I could not meet the President's expectations, as there seemed to be no satisfactory solution of the Cuban question except by the separation of that island from Spain, and that no Spanish Ministry would consent to that separation unless compelled by superior force, which meant war with the United States.

The President was very reluctant to accept that solution,

and it is well known that he labored hard to avert the conflict. In one of my visits to the White House, in referring to the clamor for war, he said to me, "These people will have a different view of the question when their sons are dying in Cuba of yellow fever." Although a gallant soldier during the Civil War, his kindliness of heart led him to look upon the horrors of war with great aversion.

Later in his term I accompanied a delegation of the friends of missions, headed by William E. Dodge of New York, to urge upon the President the appointment to the Chinese Mission of a person friendly to that cause, in view of a prospective vacancy. After hearing the statement of Mr. Dodge, the President replied that he was in full sympathy with the purpose of their visit, and said there was in their delegation the person fitted for the place. To my embarrassment, he said, "If Mr. Foster will accept the place, I will appoint him at once." I had to repeat what I had said to him before as to my reluctance to break up my residence in Washington. His answer was that if I would not go, I must aid him in finding the proper man. I mentioned Edwin H. Conger, who had acquitted himself well as Minister to Brazil when I was Secretary of State. He was shortly afterwards appointed and rendered the Government and Americans in China signal service during the crisis of the Boxer troubles.

I have mentioned in preceding chapters my appointment by President McKinley as Ambassador on special mission to Russia and Great Britain in 1897, and on the Joint High Commission on Canadian affairs in 1898. These places I could accept without seriously interfering with my professional engagements or my residence in Washington. During these years and up to his death, I maintained with the President confidential relations, being often consulted by him in regard, not only to the business connected with those two appointments, but to other matters of an international character. Every one who was brought into intimate contact with him

was charmed by his lovable nature, his gentlemanly bearing, and his conscientious devotion to his public duties.

The most serious criticism passed upon his acts as President was on account of his conduct and policy after the close of the Spanish War. While he opposed that war up to the last moment, he most strongly favored appropriating for his country the full results of the victory. Secretary Hay told me that he cabled the President from London, before sailing to enter on his duties as Secretary of State, not to hold any part of the Philippines except what was necessary for a naval station, and that such would have been the action of the Peace Commissioners at Paris but for the President's express instructions.

In this connection he narrated to me an interesting incident illustrating how far President McKinley had gone in his views as to the territorial expansion of our country. The Secretary was discussing with him the policy of the United States toward China, which he afterwards announced and which gained him greater reputation and honor than any other act of his administration of the Department of State. When he stated to the President that we did not want any of the territory of China, and that, in pleading for the autonomy of that empire, we could well say so to the Great Powers, McKinley replied: "I don't know about that. May we not want a slice, if it is to be divided?"

I make no reference to my service under President Roosevelt, as these memoirs are written while he is still in office, and a relation of personal intercourse might be regarded as untimely.

In my account of the European monarchs whose acquaintance I have made, severe comments have been passed upon the immoral lives led by some of them. More might have been written on the subject. It speaks well for the tone of public sentiment in our country to state that such conduct would not have been tolerated in any American President. It is

gratifying to note that all the Presidents considered in this chapter were men of high character and pure lives. And if the Presidents of the United States from the foundation of the Government are contrasted with the European monarchs of the same period, in both intellectual and moral character, the comparison will be highly favorable to our country.

# CHAPTER XL

## THE SECRETARIES OF STATE

The Secretary of State with whom I was first brought into personal relations was Hamilton Fish. I had seen Mr. Seward in the Senate during my first visit to Washington in 1855, but he attracted my attention and interest then as the champion of the anti-slavery cause. I closely observed his career as Secretary of State during and after the Civil War, and have had frequent occasion since then to study his diplomatic state papers. Judged by his achievements and his dispatches, he must be regarded as the first Secretary during the last half-century.

At the time of my first appointment to the Diplomatic Service the Department of State was located in a rented house on upper Fourteenth Street, the public building erected for it being occupied soon afterwards. It was in this building that I first met Secretary Fish in 1873, when I went to qualify as Minister to Mexico. I found him a most urbane and genial gentleman, who at once put me at ease and smoothed my entrance into diplomatic life. I was twice again in Washington during his incumbency, and came to know him quite intimately and to enjoy the hospitality which Mrs. Fish so graciously dispensed. I have reason to know that Mr. Fish took a personal pride in my career. Years after he had retired from office, in a gathering of prominent men when I last met him near the close of his life, he introduced me with some complimentary remarks and, with evident satisfaction, said, "Mr. Foster is one of *my* men."

Mr. Fish came to his high office quite unexpectedly. He had voluntarily retired from the Senate after a full term, and

had been sixteen years in private life. At the age of sixty he had no desire to again assume public duties. Upon his confirmation he wrote Senator Sumner: "Very much against my own wishes and after a very positive refusal, I am going to Washington to undertake duties for which I have little taste and less fitness." And yet he had more fitness for the position than many of his predecessors. He came of one of the patrician families of New York; was bred to the law; had been Governor of his State and United States Senator; had traveled in Europe and was familiar with the French language; was possessed of a private fortune; and was a cultivated man of society.

The sequel proved that his misgivings were not well founded, as he was the most useful and successful member of President Grant's Cabinet. His most important work was the negotiation of the Treaty of Washington of 1871, whereby we settled with Great Britain the irritating questions growing out of the Civil War. It was not only the most comprehensive treaty in the number of subjects embraced that was ever negotiated by a Secretary of State, but next to the treaty of peace and independence it was the most important. While it was the result of the labors of a joint high commission, it was conspicuously his work so far as such a convention may be attributed to any one man. While not ambitious, he was fully conscious of the importance of the work he had in hand. Some time before the Commission was agreed upon, he wrote to a friend: "I would esteem it the greatest glory, and the greatest happiness of my life, if it could be settled while I remain in official position; and I should esteem it the greatest benefit to my country to bring it to an early settlement."

Mr. Fish was not a brilliant man, nor was he a genius, but he possessed in an eminent degree those qualities which make the most useful public servants — prudence, intelligence, industry, mastery of the subject in hand, and a conscientious sense of duty. I have been familiar with the work of the De-

partment from his day to the present, and I regard him as the most methodical and painstaking Secretary of my acquaintance, the one who dispatched the business of the Department with most promptness and system. Attention to my dispatches was never unreasonably delayed, and they were often accompanied by personal explanatory letters from the Secretary.

Senator Hoar relates an incident which illustrates the influence Secretary Fish exerted over President Grant and his strict sense of duty. A brilliant and able officer who had served on General Grant's staff was appointed by him Consul at Canton, China, where he died after a lingering illness. Senator Hoar asked the President to appoint his widow to the vacant post, on account of the officer's services during the Civil War and because she had during his illness discharged a great part of his duties very well and to the satisfaction of the merchants doing business there. President Grant, after hearing the story, said he would make the appointment — to use his own phrase — if Fish would let him. But Mr. Fish was inexorable. He thought it would be a very undignified proceeding. He also urged that a consul in China had to hold court for the trial sometimes of grave offenses, committed often by very bad characters, and that it was out of the question that a delicate lady should be expected to know or to have anything to do with them. So the proposal fell through.

The successor of Mr. Fish, William M. Evarts, was a man of different temperament and habits. A brilliant lawyer, an orator of a high order, and a vigorous writer, he was without method in his office and left the routine business of the Department to his subordinates. I met Secretary Evarts for the first time in the second year of President Hayes's term, when I was summoned to Washington in 1878 to give information of the state of affairs to a Congressional Committee investigating the Texan border troubles and the disturbed relations

with Mexico. The Secretary required the Committee to hold a meeting in the Department of State to receive my statement and to be examined by its members.

That duty being discharged, it was my expectation to return to my post in Mexico, but, as General Diaz had not yet been recognized by our Government as President, I especially desired to receive official instructions on that subject before returning. In mentioning my desire to Secretary Evarts, he asked me to come to the Department the next afternoon, when he would have leisure to talk the matter over with me. I promptly met the appointment and introduced the subject, when, after a few indecisive words respecting it, he branched off on some political topic, and the rest of the afternoon passed away without our recurring to the subject which had occasioned the appointment. I went again a few afternoons later, with the same result, and a third and fourth time. He was a good conversationalist and, as I proved a good listener, he seemed to enjoy the afternoons on other topics than the one about which I was anxious for a solution.

After I had spent a month in the vain effort to obtain my instructions, my conscience began to trouble me and I resolved to make one more supreme effort. So I told the Secretary that communication could only be had with Mexico by steamer leaving once in two weeks; that one was to sail the following week; and that, if I did not receive my instructions in time to take it, I should be detained in Washington nearly a month longer, when I thought it my duty to be in Mexico. This brought the Secretary to a decision. He said that the President agreed with him that it was best to recognize the Diaz Government, notwithstanding its revolutionary origin; and he asked me to see Mr. F. W. Seward, the Assistant Secretary, who would have my instructions prepared. I called on Mr. Seward at once, and he requested me to prepare a draft of such instructions as I desired. This I did without delay, the draft was accepted, put into proper form, and

signed by the Secretary — an act which might have been done within a week after my arrival in Washington. I must have favorably impressed Mr. Evarts in our afternoon meetings, as he very graciously asked the President a few weeks before he retired from the Department to promote me to the Russian Mission.

Four years after he retired from the Department he was chosen a Senator from New York, and he was thus in a position to have become a leader of his party, but he had no taste or adaptability for political management. A friend of mine, a prominent citizen of New York and an acquaintance of Mr. Evarts, once complained to me about his Senator for answering his letters respecting official matters on a postal card. He was recognized as an able lawyer and debater, but he exercised little controlling influence on legislation. Although both as Secretary of State and Senator he distinguished himself in connection with important measures, his fame must rest largely upon his legal services. He was the foremost advocate of his generation. He was leading counsel for President Johnson in the impeachment trial in the Senate, before the Geneva Arbitration Tribunal, and the Hayes-Tilden Electoral Commission — such a distinction as has never been attained by any other American lawyer or statesman.

The assassination of President Garfield threw the responsibilities of Government suddenly upon Mr. Arthur. At this distance of time it seems that it would have been wiser for him to have followed the course pursued later by Vice-President Roosevelt, on his accession to the Presidency after the assassination of President McKinley, and continued the administration of the Government with the Garfield Cabinet. Mr. Blaine, the Secretary of State, the most influential man in the party, I know was desirous of remaining in charge of the Department, as he had ambitious projects for his country. When it was announced that he was going to retire, I remonstrated with him for his course and expressed my

regret. He answered me: "He [the President] never asked me to stay — how can I remain?"

Before he left the Department he was enabled to inaugurate an important measure in our relations with the nations of the Western hemisphere, which, though held in abeyance by his successor, had its consummation in his second term as Secretary of State — the convocation of a conference of all the American States.

One of the reasons why President Arthur did not ask him to remain was on account of the commissioners whom Secretary Blaine had sent to South America to try to compose the differences between Chile and Peru, then at war. Mr. Frelinghuysen, who succeeded Mr. Blaine, told me soon after the change that if Mr. Blaine had been allowed to continue his policy in that matter, he would have embroiled us in hostilities with Chile. The commissioners were William H. Trescot and Walker Blaine, the son of the Secretary. Mr. Trescot had been employed by Secretary Evarts as a legal or diplomatic adviser to the Department and he had been continued by Mr. Blaine. Such employment was not unusual. Caleb Cushing was the adviser of Mr. Fish for some time during his term. Mr. Trescot had had considerable diplomatic experience, and was the author of two excellent books on American diplomatic topics; but he was not a trained lawyer and not always a wise counselor. In Mr. Blaine's second term as Secretary of State, Mr. Trescot incurred President Harrison's displeasure on account of disclosures respecting questionable correspondence with the Rebellion leaders in 1860–61 while he was Assistant Secretary of State, and he lost his influence with the Department.

Frederick T. Frelinghuysen belonged to one of the most illustrious families in American history, his father and grandfather having preceded him in long terms of service in the Senate and in other important public offices. He was a good lawyer and a respectable legislator. As Secretary of State he

acquitted himself creditably, and was thoroughly conscientious in the discharge of his duties, but his administration of the Department was not marked by the accomplishment of any important measures. The two subjects which most absorbed his attention were commercial reciprocity and the Nicaraguan Canal, but the treaties as to both of these measures failed of approval by Congress. Upon my appointment as Minister to Spain, I was brought into intimate relations with him. After I had been in Spain for a year, I was called to Washington by him to consult about reciprocity matters, spending several weeks; and after negotiating my treaty, I was again in Washington to confer with him and the Senate. During these times I was brought much into personal contact with him, both officially and socially, and I came to greatly admire his upright life and his earnest devotion to duty.

Thomas F. Bayard, the successor of Mr. Frelinghuysen, was also of an illustrious family in American politics, he being the fourth in a lineal generation of Bayards who rendered distinguished services in the Senate of the United States. No man of higher ideals or of more exalted patriotism ever occupied the chair of Secretary of State, but his administration of the Department was not a success. He subjected himself to criticism in some international matters, such as the Canadian Fisheries Treaty, and his unseemly haste in the dismissal of Sackville-West, the British Minister; and he also failed to satisfy his own partisan friends. He was an able debater and a party leader in the Senate, as well as one of the most useful of its members, and he never should have left that body. He himself realized this, as one of his intimate friends relates that on the day he left the Department of State he said to him that he had made a great mistake in accepting the portfolio, that his sphere was in the Senate and he should have remained there.

He had greater success as Ambassador to Great Britain, to which post President Cleveland appointed him in his second

term, as his scholarly attainments, his great conversational powers, and his courtly bearing well fitted him for English society. And yet he was made very uncomfortable in that position on account of the severe criticism of the American press, to which he was very sensitive, and the resolution of censure of the House of Representatives because of his public addresses. The well-known newspaper correspondent, Charles Nordhoff, writing to me about that time, said: "He was the most incompetent Secretary of State we ever had. I have always thought Cleveland sent him out of the country, because he wanted him out of the way at home. I had once the audacity in the 'Herald' editorially to advise Cleveland never to take his advice about anything except the cooking of terrapin," at which he was an adept.

A more favorable view of his character is given by another letter-writer. James Russell Lowell, after being his guest, while Mr. Bayard was Secretary of State, wrote as follows: "I got back yesterday morning from Washington, where I spent four days very pleasantly with Bayard, whom I liked before, but now like thoroughly. He is a gentleman all through, and as courageous as a tender heart will let him be. I mean that he has the sensitiveness as well as the high spirit of a refined organization, and that it would be better for him, perhaps for the country, if he could be brutal on occasion. His commerce has much of the same charm that Dufferin has beyond any man I ever knew."

I have referred to the cordial manner in which Secretary Bayard asked me to continue in my mission in Spain. He manifested a tender and anxious regard for my welfare while I was passing through the cholera scourge in that country. On my return to Washington, where I resided during his occupancy of the Department, I maintained pleasant relations with him, but as my professional duties required me to antagonize some of his measures our intercourse was not as intimate as it might otherwise have been.

Following the defeat of Mr. Cleveland in 1888, the return of the Republican Party to power brought Mr. Blaine a second time to the Department of State. The only other instance in which the office has been held a second time by the same person was that of Daniel Webster. Like the latter, he had been disappointed in his ambition to be President, and when he entered the Department in 1889, I think he had dismissed that ambition.

Mrs. Blaine's "Letters" have made more clear to the public the fact that he left the Department of State with regret, and cherished the desire to return. A few months after President Arthur accepted his resignation and on the day of the execution of the assassin Guiteau, Mrs. Blaine wrote: "Oh, if he only could have died one little year earlier, the difference to me! Your father said the other day, as we drove by the State Department, 'Here I fully expected to raise my Ebenezer for eight years.'" Shortly before the Presidential Convention of 1884, in a letter to one of her daughters, she said: "Your father is as little a candidate as though he had succeeded in '76 and '80. The one thing he perhaps does desire is to be once more Secretary of State, and . . . this may possibly be in store for him."

I was present at the National Convention in 1884 when he received the nomination. Although I had been long his personal friend, I doubted the policy of that act, and thought that President Arthur had earned the honor. An incident of the occasion illustrates how little the most experienced public men can foresee the future. I was sitting on the Convention platform beside Carl Schurz, former General, Senator, and member of the Hayes Cabinet, with whom I had an acquaintance dating back to the campaign of 1860. When the nomination of Mr. Blaine was announced, Mr. Schurz, taking out his watch, said: "It is now — [giving the minute and the hour of the day]. From this hour dates the death of the Republican Party." This ill-omened prophet lived to see repeated and

overwhelming triumphs of the party from which he at that hour separated.

Mr. Blaine's management of our foreign relations was in many respects a success and added to his fame. Possessed of such brilliant qualities and such restless energy, his conduct of affairs could not be otherwise than noteworthy. The matters which most distinguished his term were his presidency of the first Pan-American Conference, his correspondence with Lord Salisbury on the Bering Sea Question, and his advocacy of reciprocity. The acts for which he was most criticised were the commission sent to intervene in the Chile-Peru War, to which I have already alluded; his unsolicited offer of mediation between Mexico and Guatemala on their boundary dispute; and his attitude on the killing of General Barrundia.

In my relations with the Department of State during his incumbency, I had a difficult part to act in preserving the confidence and esteem of both President Harrison and himself, especially when the tension between them became more and more acute. Mr. Blaine was very partial to his friends, nor was he of a suspicious nature, and during his entire term and up to his death I maintained with him the most friendly and cordial relations. When I was nominated as his successor by President Harrison, he was among the first to send his congratulations. Although at the time plunged in deep grief over the sudden death of his son Emmons, he followed his telegraphic message with this letter: —

Bar Harbor, July 6, '92.

My dear Mr. Foster, —

I ought sooner to have written you a word of congratulation on your appointment as Secretary of State, which I most heartily do now. I was very glad you were appointed. You will be able to do better service than any man new to the Department.



MR. FOSTER IN DIPLOMATIC ROOM, 1892

I thank you for your words of sympathy and condolence in our great affliction. How great it is I hope you may never know.

Very truly and cordially
Your friend,
JAMES G. BLAINE.

Mr. Blaine had a kindly heart and was easily touched by the simple attentions of his friends. When the Bering Sea Case for the United States was completed, it constituted four volumes, including the maps. I had a number of these handsomely bound for the President, the Secretary of State, the British Minister, and other dignitaries. On the copy for the Secretary of State I had placed the name of James G. Blaine and the title in gilt letters. As he had signed the treaty creating the arbitration and the case had been largely prepared while he was still Secretary, I felt that he was entitled to that copy. In acknowledging its receipt, he wrote me as follows with his own hand: —

Oct. 9th, 1892.

MY DEAR MR. FOSTER, —

Your transmission of the Bering Sea Case, or rather the "Fur Seal Arbitration," was very kind and considerate. Your keeping my name on the title-page as Secretary of State was an act of courtesy which I shall not soon forget. Few men, situated as you are, would have done so.

I beg you will accept my sincere thanks for it, and believe me
Your friend sincerely,
JAMES G. BLAINE.

HON. JOHN W. FOSTER, Secretary of State.

In view of the fact that when Mr. Blaine resigned from the Department, it was reported by certain newspapers that I had had a disagreement with him, I feel that I commit no indiscretion in giving the following letter from Mrs. Blaine,

showing the sentiments of the family, written four years after his death: —

STANWOOD.

BAR HARBOR, MAINE, Aug. 1, 1896.

DEAR MR. FOSTER, —

I have been asked to give a letter to Mr. and Mrs. —— of Chicago which will secure them some special privileges in Japan, whither they propose to go this summer. I am, of course, myself unable to do anything for them, but you have powerful influence at Court, and I have ventured, because of the old days, to write to you, who never in the past turned a deaf ear to our cry. If you can and are willing to give them your shoulder to the wheel, it will be so far as I am concerned as though done to me. . . .

We are living at Bar Harbor this summer — the *we* including Mr. and Mrs. Damrosch and their two little girls, and Harriet [Mrs. Beale] and her boy.

I read of your prosperity and great and ever-increasing influence with sincerest interest, and you are often in our thoughts, which as you will easily believe love to dwell on other days. Remember me, please, to Mrs. Foster, and believe me ever

Affectionately yours,

HARRIET S. BLAINE.

During the greater part of the time that Mr. Blaine was Secretary of State he was in poor health, and often was confined to his bed or room for weeks with attacks of sickness. As a consequence he was not able to give detailed attention to the business of the Department. When I assumed charge I found the business very much in arrears and several treaties hung up in the Committee on Foreign Relations of the Senate for want of proper attention. Before the close of my term I was enabled to report to the President that all business relating to foreign affairs pending in the Senate had been dis-

patched. Such a condition had not existed for many years and has never since occurred.

Walter Q. Gresham succeeded me as Secretary of State on the inauguration of President Cleveland for a second term. I have mentioned that we were classmates in college and from that time we continued intimate friends. He was a favorite of General Grant in the army, where he proved himself a gallant officer; and when the former became President he appointed Gresham a judge of the United States District Court. He was much criticised for the appointment on account of Gresham's youth and inexperience in the law, but he grew into his position and made a creditable judge. After I had been appointed to the Spanish Mission in 1883, I received a letter from him stating that Judge Drummond of the Circuit Court of his district was soon to retire and asked me if I would speak to President Arthur in favor of promoting him to the expected vacancy.

I complied with his request with the fervor of old-time friendship. The President listened to me with interest and spoke highly of Gresham, but I secured no assurance from him of the appointment. But I had evidently made an impression, as two days afterwards I received a message early in the morning from Secretary Frelinghuysen asking me to call at his house, who, upon my calling, authorized me to ascertain if Gresham would be willing to accept the position of Postmaster-General, which had become vacant by the death of the incumbent a short time before I called at the White House. I was thus unintentionally the means of bringing the Judge into national politics.

Before Arthur's term expired, Gresham, who in the meantime had been transferred to the Treasury Portfolio, was appointed Circuit Judge upon the retirement of Drummond. But his official residence in Washington made him restless on the bench, and he became ambitious to reënter political life, for which he had a natural inclination. He encouraged his

friends to push him for the Presidency and he secured the solid delegation from Illinois, his residence as judge being at Chicago; but he failed in Indiana, his native State. He and Harrison had been political rivals there for a number of years and had become personally unfriendly. Harrison obtained the control of the delegates to the Presidential Convention of 1888, and although Gresham was in the lead on the first ballot, Harrison was nominated and became President, much to the chagrin of Gresham.

At the eleventh hour Gresham reluctantly made a speech for Blaine in 1884, and in the campaign of 1888 he "sulked in his tent" and gave Harrison no support. When Mr. Cleveland called him to the head of his Cabinet on his second inauguration in 1893, it took the country by surprise, but his intimate friends were prepared for his change of party affiliations. He maintained a frequent correspondence with me, and in a letter to me after Blaine's defeat in 1884, he indicated the main point of his disagreement with his party when he wrote: "The country will never sustain Mr. Blaine's high protective tariff views." One month later, January 15, 1885, he gave some inkling of his friendly inclination towards his future chief, when he wrote me as follows: "It is in the power of Mr. Cleveland to damage the Republican Party not a little. There never was a time within your recollection and mine when the people were so ready to support a courageous and honest leader. I think Cleveland has courage and integrity, but it remains to be seen whether he has judgment sufficient to guide him in the responsible duties he will soon assume. I have no great amount of party pride any longer, and if the Democratic Party with its unpatriotic record was out of existence, I should feel little concern for the future of the Republican Party." A year later he wrote me: "The country thinks well of him [Cleveland]. The impression prevails that he is courageous and honest."

The sequel proved that Judge Gresham's selection by Presi-

dent Cleveland for the Department of State was neither fortunate nor wise for either. It brought Mr. Cleveland no political strength. The Secretary was looked upon with suspicion and jealousy by his new party associates, and his old friends gave him "the cold shoulder." Besides he had little adaptability for his new duties. He had grown up in the West and knew nothing from personal acquaintance of foreign countries. He spoke no language but his own, nor had he completed his college education. He had made no study of international law and possessed no experience in diplomatic practice. His administration of the Department was not happy. He made serious mistakes, and was subjected to harsh criticism, which resulted naturally from his change of party, and which he probably would have received even had he made no mistakes in his office. He was very sensitive to criticism and the worry from it doubtless shortened his life, which ended when his term was hardly half-completed.

As already stated, my necessary presence at Paris in the Bering Sea Arbitration required me to sail from New York a few days before the second Cleveland Administration began, of which Judge Gresham was to be Secretary of State. He had manifested a warm desire to have a conference with me, and by arrangement we met in New York just before I sailed, when I gave him very full and detailed information of the state of business and the routine work of the Department. He expressed to me considerable doubt about the wisdom of leaving the bench and manifested some trepidation as to his new duties. I did not return to America until late in the next year, and I was only in Washington a few weeks while he was in office. He consulted me a number of times about matters of importance he had in hand, and our old-time friendship was renewed, but it was not resumed with the unrestrained cordiality of former days. There was an inexpressible something in his new environment which seemed to chill our intercourse.

Judge Gresham had many admirable and lovable qualities. He attached his friends to him with hooks of steel. He had a handsome appearance, a keen bright eye, and a winning smile, that won those who came in contact with him. On the other hand he was a bitter hater and created many antagonisms. He attained distinction and the rank of brigadier-general in the Union Army, acquitted himself well as a judge, was of incorruptible integrity, and lofty patriotism.

The office of Secretary of State was filled during the remainder of Mr. Cleveland's second term by Richard Olney, an able lawyer, a clear-headed thinker, and a courageous statesman. He was transferred to the Department of State from that of Justice. In each of these positions he did an act, either of which would entitle him to enduring fame. During the labor strikes in Chicago and elsewhere he, as Attorney-General, advised the President that he was authorized by the Constitution and it was his duty to use the Army of the United States, without the request of the Governor or Legislature of a State, to maintain free and unobstructed the interstate railroad traffic for the transportation of the mails and incidentally for commercial purposes. This opinion and consequent action of the President ended a dangerous strike which threatened the peace of the country, and established a precedent of inestimable benefit. As Secretary of State he put an end to a long pending boundary controversy between Venezuela and Great Britain in which the United States became involved, by the most pronounced and advanced exposition and declaration of the Monroe Doctrine ever enunciated by an American statesman.

During Mr. Olney's occupancy of the Department I was in private life and my relations with him were entirely of an unofficial and personal character. But I was much impressed with his clear insight into public questions and his spirit of independence.

On his first inauguration President McKinley chose John

Sherman as Secretary of State. Mr. Sherman at the time was a member of the United States Senate, where he had long served and was probably the most influential member of that body. He had been almost continuously in the public service for forty years. Taking into consideration his length of service and the important and influential positions he had held in great political crises, it is not too strong an encomium to pass upon his life to say that since the foundation of the Government no man has surpassed him in the value of his services to his country.

He desired to remain in the Senate and conclude his public service there, but Marcus A. Hanna, the "Warwick" of the Administration, was ambitious to have a seat in that body, and it could only be secured by the transfer of Mr. Sherman to another post. This was the controlling motive which occasioned his appointment as Secretary of State. His long public career and his position as Chairman of the Committee on Foreign Relations would have well fitted him for the position, except that with advancing years his strength had perceptibly begun to fail. He might have remained among his old associates and in the familiar scenes and duties of the Senate with continued usefulness; but to transfer him to new and unfamiliar duties and to bring him suddenly, in his known state of health, in contact with such a critical body as the Diplomatic Corps, was an act from which the kindly nature of President McKinley doubtless shrank, but which he did not feel at liberty to evade.

The duties of the Department were largely performed by the Assistant Secretary of State, Judge William R. Day, a confidential friend and townsman of the President. Mr. Sherman was so ill at ease in his post that he tendered his resignation at the end of a year, when war with Spain was imminent, and retired to private life. Judge Day succeeded to the vacancy, and conducted with credit our foreign relations through the delicate and dangerous period of the Spanish

War, when practically all Europe, except Great Britain, was out of sympathy with us. He was without experience in national or international affairs at the time he was called to the Department of State, but he was a good lawyer and had filled the place of United States District Judge for several years. He was of a judicial temperament and possessed that adaptability to his new duties which so distinguishes the average American when called to posts of responsibility.

While Judge Day was holding his office of Secretary of State, I took part in the opening exercises of the School of Diplomacy and Politics in the George Washington University, at which President McKinley and Sir Wilfrid Laurier of Canada were present. In the course of my remarks I referred to the Secretary as belonging to that class in which Mr. Lincoln was placed by his critics when he first assumed the Presidency — as only a "country lawyer." When I next met the President he complimented me warmly on my address. He was evidently pleased with my reference to his new and untried Secretary.

Judge Day was made Chairman of the Commission which went to Paris to negotiate peace with Spain, and on his return he was appointed to the United States Circuit Bench, and afterwards promoted to the Supreme Court by President Roosevelt. His duties in Paris made it necessary to appoint a new Secretary of State, and John Hay was called from the Embassy in London. For the unusually long period of seven years he filled the post with such distinguished ability and usefulness as to render his incumbency memorable in the history of the Department. He was not of the type of J. Q. Adams, Webster, Marcy, and Seward — hard-headed lawyers and experienced politicians; but he brought to the discharge of his duties qualities which none of them possessed. His literary genius adorned and made sparkling his dispatches and addresses; his association with the best social circles of Europe and America gave a polish to his intercourse not

always possessed by the occupant of that office; and his wit, vivacity, and acquaintance with the European languages made him a favorite in the diplomatic circle. His spirit of equity and generous dealing with other nations was of the highest type. The announcement he made in one of his New York speeches that the Golden Rule was the standard of diplomacy observed by the Department of State was not an empty boast, a mere platitude of words, as his conduct on a number of important occasions demonstrated.

His most conspicuous and important achievement as Secretary of State was his attitude respecting the autonomy of China. At the critical moment, when the rapacious seizure of territory by the Great Powers of Europe and the Boxer uprising seemed to indicate the dissolution and dismemberment of the great Empire, Mr. Hay stepped forward with his magnanimous proposition for its autonomy, and unexpectedly won the support of the Powers. It was he who first proposed to release China from the American share of the enormous indemnity exacted at the point of the bayonet. He did not live to consummate that proposal, but when the Chinese Minister after his death called President Roosevelt's attention to it, the President assured him it should be carried out, "for," said he, "I know it was near to John Hay's heart."

Among other of his important accomplishments were the settlement of the Alaskan Boundary Dispute, the revocation of the Clayton-Bulwer Treaty, recognition of the Republic of Panama, the Canal Treaty, and the negotiation of the cluster of arbitration treaties. For some of these he was severely criticised, and as to some of them he fell into error; but such is the common lot of all Secretaries, and his mistakes were fewer than other of his predecessors, and his successes greatly overshadowed his failures.

He cherished an exalted ideal of his office. He was early at his desk and labored faithfully to dispatch as promptly as possible the pending business. He made a political speech

just on the eve of the campaign in New York City in 1904, but he told me that he did it unwillingly and against his better judgment. Before doing so, he said, he remonstrated with the President, telling him the Secretary of State ought not to take part in politics, that it had a bad influence with the Diplomatic Corps and would injure his influence in the Senate, which had to pass on his treaties and policies. The President's reply was that if he did not make the speech, the election might be lost, and he not be Secretary of State next term!

Mr. Hay always enjoyed a story and was himself a good raconteur. One of the stories which I have heard him relate was the following: —

While he was Secretary of State, one of his closest friends, before starting on a world tour, said to him: "Now, I'm not going to call on our representatives abroad; you know such things bore me."

"But it's your duty to call, and, besides, you'll get a lot of fun out of it. When you're at —— , our representative will say to you: 'Now, Mr. X——, I never expected to be in the dy-plomatic service, but McKinley — that's the President, you know — he sent for me, and sez he, "I must have a first-rate man at ——, and you must go." And I sez to him, sez I, "I can't do it." But my friends got around me, and they sez, "Jedge, you must go and serve your kentry." So here I be in the dy-plomatic service, and I wish to gracious I was to hum.'"

On Mr. X——'s return he said to Secretary Hay: "Well, it all turned out precisely as you said it would at ——." In answer to the inquiry how he knew it would turn out so, the Secretary said: "Oh, I had to bite my tongue all the time I was in England to keep from saying that about myself."

Mr. Dallas, once Minister in London, Vice-President, and a successful official, moralizes on this weakness, quite common among public servants: "Since effecting all that my most heated ambition could desire in the sphere of public

service, I have indulged in meditations somewhat selfish. Such is, perhaps, the unavoidable consequences of too much delusion as to the direction we seduce ourselves to take by calling it 'devotion to one's country.' After all, no individual person is wanted; if he abstains or withdraws, others by wholesale are ready to undertake and to execute any duty. We are taught this truth by a slow experience, too late to avoid the pitfalls of buoyant and blind patriotism."

My relations with Mr. Hay were more intimate and prolonged than with any other of the Secretaries of State. When he assumed office, I had charge of the Fur-Seal Negotiations and was acting on the Joint High Commission on Canadian affairs. He wanted to send me to Samoa to disentangle our complications with Germany and Great Britain, but the journey was so long I begged off. I continued in charge of the Alaskan Boundary Question, and on my return from London in attendance on the Boundary Tribunal, he desired me to remain attached to the Department as a legal adviser. I did not think it best for him; besides, it seriously interfered with my professional practice. I am pleased to record that I never had official relations with any one which were so congenial, with no one who was so forbearing, considerate, or appreciative. I conducted quite a correspondence with him, as is shown by the letters I have already quoted. Letter-writing to his friends was an enjoyable pastime for him. For instance the simple return of an astray letter, affords him an opportunity to write such a gossipy letter as the following: —

American Embassy,
London, Aug. 7th, 1897.

My dear General: —

Here is a communication which has come to me from the Dead Letter Office. It is of no use to any human being, but I do not like to be beat in anything I set out to do and so I send it once more to its destination. The weather is hot and sultry here, but it does not faze a Washingtonian. Besides Parlia-

ment has risen, and nobody wants a ticket to the House of Commons. With that blessed relief I can stand any amount of weather.

General Woodford has arrived with his able and efficient staff. He will stay a while here and a while in Paris, which will create the impression on the suspicious *hidalgo* that he is in no particular hurry to steal his islands.

Wolcott, as you will have seen, has gone back to the Continent. The British want a couple of months to study the silver question — none too much.

I am a lone bachelor, or Mrs. Hay would send her love to Mrs. Foster.

Yours faithfully,

JOHN HAY.

Another of his letters shows his modesty, one of his marked characteristics.

DEPARTMENT OF STATE,
WASHINGTON, October 3rd, 1898.

MY DEAR GENERAL FOSTER: —

I thank you sincerely for your kind letter.

You know what the place requires better than I do. Doubtful and distrustful as I am of my own capacity it is a comfort to receive the congratulations and the support of men so thoroughly acquainted with the business as you are.

Hoping to see you before long in Washington, and to talk over many things with you, I am,

Faithfully yours,

JOHN HAY.

HON. J. W. FOSTER, Quebec, Canada.

Mr. Hay died in office, deeply mourned not only in his own country but throughout the world. He was succeeded by Elihu Root, who ably fills the post, in which he still continues as I close this chapter.

# CHAPTER XLI

## MY INTERNATIONAL LAW PRACTICE

In the chapter giving an account of my resignation of the Russian Mission I have stated the reasons which led me to retire from the Diplomatic Service. They were purely of a personal character. I felt the necessity of accumulating a competency for my growing family, and I desired that my children should be identified with their own country. I had seen too much of the evil results of keeping American children abroad till they attained their majority to give to my own such a preparation for citizenship.

The question at once presented itself, how I should occupy myself and where I should establish my residence. Among others, I consulted my long-time friends, Messrs. Shellabarger and Wilson, who then stood at the head of the Bar of Washington. I developed to them the plan I had formed of attempting to build up a practice in international law in the National Capital, making available the experience I had acquired and the acquaintance I had made abroad. I was strongly advised by them to carry out my plan, and in doing so Judge Wilson told me of a recent visit he had made to his old home in Indiana where he had for several years pursued the practice of the law. During the visit he went into the court, where he found some of his former associates at the bar earnestly engaged before the judge in contesting the ownership of a hog! He congratulated himself that when he retired from Congress he had located in Washington where large interests are involved in litigation and great questions discussed.

It was my purpose to confine myself as much as possible to

the duties of a counselor at law and to avoid becoming involved in the detailed practice of the local courts. I was at once offered a retainer by the Mexican Government to become the permanent counsel of its Legation, and that engagement gave me prompt occupation in interesting cases awaiting my attention. Other business of an international character came to me in volume beyond my expectation, and for more than twenty-five years, with several intervals in which I was discharging public duties, I was engaged pleasantly and profitably in my professional work. It may be of interest to refer to some of the cases, where the confidence of clients will not be violated, indicating the variety and character of my professional labors.

The first of those which occupied my attention — one of the most interesting, the most stoutly contested, and most prolonged — was the task of setting aside the judgment in an international award on the ground of fraud, in what were known as "La Abra" and "Weil" claims. The United States and Mexico entered into a convention creating a commission to adjudicate the claims of the citizens of each country against the Government of the other; and the two Governments pledged themselves to consider the decisions of the Commission as "absolutely final and conclusive, . . . and to give full effect to such decisions without any objection, evasion, or delay whatsoever."

La Abra claim was based upon the ownership of a silver-mine by an American company in a remote mountain region of Mexico, and on the allegation that, after the company had spent large sums of money on its exploitation and was about to reap vast returns of rich silver ore, the officials of the Mexican Government by force and violence compelled them to abandon the mine, the American employees fleeing for their lives. Upon this claim the Commission awarded the company the sum of $683,041. The claim of Weil was for the recovery of the value of 1914 bales of cotton, which, it was alleged, had

been bought in Texas during the Civil War, and after crossing the Rio Grande into Mexico and while en route to Matamoras in a train of 190 wagons, was seized in 1864 by the Government forces of Mexico and the entire train of cotton confiscated. Upon this claim the Commission awarded $487,810.

Soon after the dissolution of the Commission newly-discovered evidence was obtained, which, if accepted, established the fact that La Abra Mine proved to be worthless and was voluntarily abandoned by the company after it had become bankrupt, and that no violence had been used by the Mexican authorities. In the Weil case the proofs showed that the cotton alleged to have been seized never had any existence in fact. In other words, it appeared that both awards were obtained wholly by fraud and through false testimony.

The Mexican Government by the terms of the treaty was to pay the sum total of the awards of the Commission (over $4,000,000) in annual installments of $300,000 each. Before the time for the first payment, the Mexican Government laid this newly-discovered evidence before the Secretary of State for such action as equity and fair dealing should seem to require, and it continued to pay annually and promptly into the Department of State the installments of $300,000. The facts having been made public in the press, Congress passed an act authorizing the Secretary of State to make an investigation of the charges of fraud, and that official reported that the evidence seemed to show the fraud charged, but that Congress ought to empower some authority to judicially examine and determine the charges. But year after year passed without any action of Congress, and finally the Secretary of State paid to the claimants their *pro-rata* share of the installments which had up to that time been withheld.

At this stage in the history of those claims I was retained by the Mexican Government. My first step was to secure the suspension of further payments, and the second was to procure the negotiation of a treaty providing for the creation of

a commission to re-hear the two claims. The distribution to the claimants of the large sums of money represented by the five installments enabled them to employ the ablest lawyers in the country. Among those who were from time to time engaged in the cases were Jeremiah Black, Robert C. Schenck, ex-Attorney-General Williams, George Ticknor Curtis, George S. Boutwell, Joseph E. McDonald, Shellabarger and Wilson, and almost a score of others. They opposed the effort to reopen the awards, on the ground that to do so was a violation of the treaty, that the cases were *res judicata*, that the awards had been assigned to innocent holders, and that Congress had no power to legislate on the subject. The cases were twice taken to the Supreme Court on writs of mandamus, which decided against the claimants on all points, brushing aside their contention with the following language: "No technical rules of pleading as applied in municipal courts ought ever to be allowed to stand in the way of the national power to do what is right under all the circumstances." The combined influence of lawyers and claimants was then brought to bear to prevent the approval of the treaty. After a struggle of three years it failed by two votes to receive the two-thirds majority necessary for its passage.

I then turned my attention to obtaining legislation for a domestic judicial investigation, and after various hearings before committees of Congress, an act was passed submitting the two cases to the Court of Claims, and upon the verdict of that Court the money in the Department of State was to be returned to Mexico or to be paid over to the claimants. After a long and careful hearing the Court decided that both claims were wholly fraudulent. An appeal was taken by the claimants again to the Supreme Court, which affirmed the decision of the Court of Claims. Thereupon the Secretary of State not only returned to Mexico the money in his hands, but secured from Congress authority to pay to Mexico the amount which had been distributed to the claimants, aggregating a total of

over a million dollars. From the time I was first employed on those cases to the final termination the period covered twenty-one years. It was a great gratification to me to have aided in establishing the power and the duty of a Government to prevent the triumph of fraud even when intrenched behind the award of an international tribunal.

My law practice was interrupted by my mission to Spain, but on my return I was asked to take charge of another international case of considerable importance, involving questions which for many years have disturbed the relations of the United States with other Powers. In 1885 a lawless mob of white laborers attacked the Chinese residents of Rock Springs, Wyoming Territory, burned their houses, killed twenty-eight and wounded fifteen, under circumstances of revolting cruelty, and drove the remainder, several hundred in number, into the bleak mountains for refuge. Notwithstanding the efforts of the federal authorities, it was found impossible to secure indictments and not a single punishment followed the outrage.

Complaint had been made previously by the Chinese Legation to the Department of State of similar but less aggravated cases of mob violence, but in answer both Secretaries Evarts and Blaine had cited the precedent of the New Orleans riot of 1851, where the public sentiment had made punishment impossible, respecting which Secretary Webster held that a foreigner could have no greater protection than citizens, and that they must look to the local courts and municipalities for the punishment of the offenders and for indemnity. This was such a mockery of justice that Secretary Webster secured from Congress an appropriation to pay for the damages inflicted, but under the guise of a recognition of an act of magnanimity on the part of the Queen of Spain in exercising the pardoning power towards certain American filibusterers. But since that date not even such relief had been afforded to foreigners.

I was asked by the Chinese Minister to undertake the preparation of a note to the Secretary of State, and in doing so I took up the whole subject of the protection of foreigners, reviewed the position of our Government in the New Orleans riot, and set forth its attitude as to the protection of Americans in foreign countries and especially in China. I showed that in the latter country, where Americans were injured in person or property by mob violence, the Government of the United States was very prompt in requiring both punishment of the offenders and full indemnity for property losses. The note brought forth a long reply from Secretary Bayard, reiterating the position of former Secretaries of State, but intimating that the President might recommend to Congress an appropriation to cover the losses of the Chinese "to the value of the property of which they were so outrageously deprived, to the grave discredit of republican institutions," with the understanding that no precedent for liability was thereby established.

President Cleveland accordingly made such a recommendation to Congress, and a sum sufficient to cover the property losses was appropriated. The correspondence between the Chinese Minister and Secretary Bayard was sent to Congress and attracted much attention. Senator Sherman, Chairman of the Committee on Foreign Relations, in referring to the note of the Minister, said: "One of the most eloquent, one of the most beautiful compositions I know of in our language is a recent document from the Chinese Minister setting out this claim against the Government of the United States, appealing to our generosity, to our magnanimity, to reimburse these people. . . . If the Senator from Missouri will take that eloquent document and read it over and will find in it technical objections, or any objections whatever, to the payment of this money, I am greatly mistaken in him. I know he will not."

In the debate in the Senate, Senators Sherman and

Edmunds took issue with Secretary Bayard, and declared it the duty of the United States in such cases to make full indemnity. Senator Evarts, while defending his position as Secretary of State on technical grounds, declared it the duty of our Government to rescue "itself from this foul blot of violence and turbulence, and this fouler blot of indifference of our communities." The appropriation was made without any reservation as to liability.

A few years later other mob violence was inflicted on Chinese residents in the Pacific States, which made it necessary for me to frame new complaints for the Chinese Government, and though no punishments followed, new appropriations were made by Congress to meet the property losses; but in these latter cases the act declared that the payment was made "out of humane consideration and without reference to the question of liability." The total payments on account of Chinese sufferers amounted to approximately five hundred thousand dollars.

Similar appropriations have been made in later years in the cases of lynching of Italians and injuries to other foreigners, with the like reservation as to liability. This practice has been the source of much humiliation to our public men. As Senator Hawley said, in the discussion in the Senate of a law providing for federal punishment for violation of treaty rights of foreigners: "Because we are not able to carry out our agreements, we are establishing the custom of paying for the violation of them." Successive Presidents have recommended legislation to correct the evil, but as yet no action has been taken by Congress. The discussion started by these Chinese cases must eventually result in legislation to relieve our country from the reproach of legal inability to afford protection to resident foreigners.

The restoration of peace and order in Mexico and the improvement in its national credit under President Diaz revived a number of old claims against which the statute of

limitations had run or which for other reasons had ceased to have validity. A number of these were put into my hands for collection under a plea of generosity on the part of the Mexican Government. One of them is possessed of sufficient personal and historical interest to mention it. General Lew Wallace of Indiana, soldier, diplomat, and author, was a born fighter and possessed much of the spirit of knight-errantry of medieval times. While yet a boy he served in the Mexican War, and had just passed through a distinguished experience in the Civil War. At its close with the rank of major-general he was inspired with a burning desire to aid the Republicans of Mexico in their struggle against Maximilian and his French soldiers.

The Juarez Government, then in the darkest day of its existence, gladly accepted the offer of his services, and, supplied with a commission of major-general in the Republican Army of Mexico, he entered with even more than his usual enthusiasm upon the task of raising a Legion of Honor to be composed largely of the discharged American soldiers of the Civil War. The General spent two years in this attempt, sometimes in Mexico and sometimes in the United States; but his Legion of Honor never materialized, and he finally but reluctantly retired from the Mexican service, after having spent about ten thousand dollars of his own means and having received no aid from the exhausted Mexican Treasury.

Soon after I had established myself in Washington, I received a letter from General Wallace at Constantinople, where he was serving as our Minister at the Porte, asking me to take charge of his claim against Mexico; but he frankly warned me that he had no retainer to advance in such a doubtful venture and that I must look to the claim for my fee. I was quite willing to serve my soldier comrade and old friend even without compensation, and so undertook the collection of his claim. But on examination I found that he had presented it ten years before to the Claims Commission,

where it had been dismissed for want of jurisdiction, and that it was barred by treaty. However, Señor Mariscal was then Minister of Foreign Affairs, Señor Romero Minister in Washington, and General Diaz President, all of whom had personal knowledge of Wallace's services, and I induced them to disregard the technical obstacles and authorize the payment of fifteen thousand dollars, which the General accepted as a real windfall, and for which in a very generous letter he gave me all the credit.

The revolution which occurred in Chile in 1891 of the Congressional Party against President Balmaceda, occasioned the Government of the United States much trouble, even bringing it to the brink of war; but it furnished me some professional business. Balmaceda was at the head of the Government recognized by the United States and his Minister sought my counsel in his efforts to prevent the agents of the Congressional Party from making this country a base of operations for the supply of war material and the purchase and fitting-out of vessels in violation of our neutrality laws. Through detectives the Minister became possessed of the plans of that party to ship to California from the East a large supply of arms and ammunition, which were to be loaded upon a steamer sent from Chile for the purpose. The Government of the United States was duly advised of this plan, and on the arrival of this steamer, the *Itata*, in the port of San Diego, California, the United States Marshal took charge of her and placed one of his deputies on board. The captain of the vessel, seeing the plans of the revolutionists likely to be frustrated, put to seas against the remonstrance of the United States officer, sent him ashore, and disappeared.

The arms and ammunition were put aboard of the *Itata*, it was alleged, on the high seas outside of the three-mile limit, and she started on her return journey to the port of Iquique, Chile. President Harrison was indignant that the authority of the United States should be treated with such contempt,

and the Secretary of the Navy dispatched the cruiser *Charleston* in pursuit of the *Itata,* with orders which recited that the latter sailed from San Diego, "having dispossessed the United States District Marshal who had seized her for violation of the neutrality laws"; and directing her to be pursued and seized on the high seas; if in foreign waters, to watch her and telegraph the Department; if found in convoy of a Chilean man-of-war, to demand her restoration; and if demand should be refused, to enforce it if able to do so.

The race for Iquique which then ensued was an unusual one, and attracted the eager attention of the maritime world. The *Charleston* reached Iquique first, having passed the *Itata* unobserved, and when the latter arrived, she was delivered up to the *Charleston* with her cargo of arms, and convoyed back to San Diego. She was there libeled in the United States Court, but discharged after trial, on the ground that there had been no violation of the neutrality laws. Our purpose was attained in preventing the military supplies from reaching the revolutionists, but our success proved of no substantial value, as the revolutionists were victorious in the next battle with the Government forces, Balmaceda committed suicide, his administration disappeared, and my client, his Minister, left Washington. His successor, representing the Congressional Government, arrived in Washington about the time that the *Baltimore* controversy was at fever-heat. Singularly enough, I was solicited by him to act as his counsel, but I felt that I had been too fully committed to the other side to accept his proffered retainer.

Another Chilean case put into my hands a few years later developed a question of international law, or of the usages of war, of considerable interest. An American citizen, who had gone to Peru under the patronage of Henry Meiggs, the celebrated American railroad builder, was constructing a railroad from Chimbote under contract with the Peruvian Government. He had finished and had in operation thirty-

five miles of the road, and had collected a large supply of railroad material for its extension, when the war between Chile and Peru occurred in 1879. During that war the Chilean forces occupied Chimbote, took possession of the materials on hand, tore up the rails on the track already completed, and appropriated them to railroad construction elsewhere for use of the Government of Chile. At the time of these occurrences Chimbote was not fortified nor occupied by Peruvian troops, neither were there any Peruvian forces within a hundred miles or more of that place.

The case was brought before the United States and Chilean Claims Commission, and was resisted by the Chilean agent on two grounds, among others, first, that the property taken or destroyed virtually belonged to the Government of Peru; and, second, that such property was fit subject of appropriation or confiscation in war. During the discussion an order of the Chilean Minister of War was cited, in which he said that "we shall not oblige Peru to lay down her arms except by reducing her to absolute want and making her feel in the property and interests of her inhabitants all the burdens of wars." The majority of the Commission, the Chilean member dissenting, rendered an award in favor of the claimant, thus overruling the contention of the Chilean Government. It was in accordance with the rules of war then in force among most civilized nations and of The Hague Treaty of 1899.

Business sometimes comes to Washington from abroad of quite a trivial character and whose importance is greatly exaggerated. An English firm, which had an existence of many years in one of the large South American cities, owing to the death of the old members underwent a change; some of the younger members withdrawing, formed a rival firm, and a sharp competition for business was inaugurated. Among other matters of controversy was a trade-mark for a *sheep-wash* which had been taken out in the United States by the old firm and to which the new firm laid claim. One of my

clients in New York who had given me much lucrative business was a correspondent of the old firm, and he came to Washington to ask me to take charge of the contest which it was necessary to bring in the United States Patent Office to protect their rights.

The case did not commend itself to me as of a serious character, and I sought to excuse myself from taking charge of it on the ground that I knew nothing of patent practice. My friend admitted that the sheep-wash trade-mark "was not worth a d—n," but he said the old firm was determined to have control of it, and were willing to spend almost any amount of money to defeat the new firm; and he begged me as a favor to him to take the case, saying I could employ all the patent expert assistance I wanted. I yielded to his appeal, instituted an "interference" contest, and with the aid of an expert attorney in due time won the case, much to the gratification of my South American clients.

This was my first and last case in patent-law practice. My preparation of the case led to an interesting incident. One of the questions raised was as to the domicile in the United States of a foreign commercial house. The cases in support of our contention were few, and finding reference to an article on the subject by the well-known publicist, Dr. Lieber, in the "Cyclopædia Americana," I searched for it in vain. In my despair I resorted to Dr. A. R. Spofford, the Librarian of Congress, who had a reputation for a wonderful memory as to books. He asked me the topic and author. "Yes," he said, "you will find the article by Dr. Lieber in the supplement to the ninth volume." I did not know that there was a supplement and had overlooked it. Sure enough, it was just where Dr. Spofford said I would find it.

The war with Venezuela of 1902, in which Great Britain, Germany, and Italy took part, was the occasion, through clients of mine, in settling a disputed question of international law. These clients, a New York house which had for

years past maintained a regular line of steamers between New York and Venezuela, complained to me that a blockade of certain Venezuelan ports had been declared, which was claimed by the allies to be what they termed a "pacific blockade," but which was seriously affecting the business of their steamers and obstructing neutral commerce. The allies were following a practice which had been in vogue for nearly a century, by which powerful nations sought to constrain weaker ones without an open resort to war.

I was satisfied that such a practice was not in consonance with the spirit of the age, and I called on Secretary Hay, explained to him my view of international law on the subject and the embarrassment to American commerce resulting from the practice, appealed to him to take an advanced position on the subject, and to improve the opportunity to have it settled in the interest of neutral commerce. Mr. Hay examined the question, reached the same conclusion that I had, and communicated to the allied Powers his view that there could be no "pacific blockade." This action brought from the British Prime Minister a declaration in the House of Commons that "there can be no such thing as a pacific blockade," and that "a blockade does involve a state of war." With the attitude of Secretary Hay and that declaration "pacific blockade" was practically abolished.

The influx of American capital and enterprise in large volume into Mexico, consequent on the peace and order prevailing there in late years, has occasioned an increase of legal business of an international character. Titles to mines and landed estates purchased by Americans were of this class. I made three visits to the City of Mexico in the interest of American railroads, for the adjustment or amendment of their concessions or contracts with the Government; and one to establish the New York Mutual Life Insurance Company in business in that Republic and to see that compliance was made with the legal requirements.

I took part in the argument before the Secretary of the Treasury in 1889 respecting the construction to be placed on silver-lead ores in the United States tariff when imported from Mexico. Under the tariff silver ores were admitted free and lead ores paid an almost prohibitive duty. Large quantities of Mexican ores were brought into the United States bearing both silver and lead. The Department of the Treasury had held that those ores should be classed as silver ores if the silver in them exceeded in value the lead. A determined effort was made by the American silver-mine owners to secure a reversal of this ruling. It was stoutly resisted by the extensive smelting interests in the United States and by the railroads leading from Mexico into the United States. We succeeded in maintaining the ruling, but Congress in revising the tariff changed the law so as to virtually exclude silver-lead-bearing ores. It was shortsighted policy for the United States, but beneficial to Mexico, in that it led to the establishment of large smelting-works in that country.

One of the most interesting cases ever intrusted to my charge was that of General Frederick T. Ward, who has been termed a soldier of fortune, but who reflected extraordinary credit upon American valor and military skill. After having served in the Crimean War, he went to Shanghai, China, in 1860, where he offered his services to the imperial authorities, then hard-pressed by the Taiping Rebellion, one of the most bloody and fiercely contested in all history. He soon won the admiration and confidence of the authorities by the bravery and skill with which he carried on operations with a handful of foreigners whom he had enlisted. This led the Imperial Government to sanction the organization by him of a body of three thousand Chinese troops, officered and drilled by Europeans and Americans. With this corps he captured many important cities held by the rebels, leading the assaults in person and winning victories against overwhelming odds by the very example of his personal bravery. Success fol-

lowed success, until "Ward's Corps" became distinguished by the Government and people of China as "The Ever Victorious Army."

The Imperial Government, recognizing the ability of this remarkable man, freely rewarded him, decreed him honors and titles, and raised him to the highest military rank in the Chinese service. He not only received a liberal salary, but also prize-money for each city that he captured, which in one instance amounted to seventy-five thousand taels, thus accumulating considerable wealth. When the Chinese officials were without revenue to maintain his soldiers, he unhesitatingly used his own money, relying upon the good faith of the Chinese Government to reimburse him. Many times he was wounded, but ignorant of fear and indifferent to pain he never ceased, even when suffering from severe wounds, in his efforts to advance the imperial cause, for which he at last laid down his life. While scaling the walls of a city held by the rebels, he fell at the head of his troops, mortally wounded by a shot from the ramparts, and died on the following day.

When the news of his death reached Peking, the Emperor issued an edict expressing "Our extreme grief . . . for we had just confidence in his patriotism and bravery, and never had cause to be ashamed of his military acts"; and ordered distinguished military honors to be paid him and that two memorial temples be erected to him, "in order to tranquillize his loyal spirit and exhibit our distinguished kindness." Mr. Burlingame, our Minister to China, in reporting his death and transmitting the imperial decree to Washington, spoke of General Ward as "an American who had risen by his capacity and courage to the highest rank in the Chinese service. He fought countless battles and always with success. Indeed he taught the Chinese their strength, and laid the foundation of the only force with which their Government can hope to defeat the rebellion." Secretary Seward, in reply, spoke of him as "our distinguished citizen. He fell while il-

lustrating the fame of his country in an untried, distant, and perilous field." The British naval officer on the station wrote his admiral: "I fear his death will cast a gloom over the imperial cause in China, of which he was the stay and prop." It was General Ward who prepared the way for the British soldier Gordon to win the laurels which would have been his alone had he lived.

He was born in Salem, Massachusetts, and its citizens take pride in the bravery and achievements of their distinguished townsman. They have set aside a room in the Essex Institute devoted to his memory, in which are placed his portrait, the edict of the Emperor, the General's sword, and other mementoes. The Chinese also continue to keep green his memory, as is shown by a dispatch from Minister Conger a few years ago, in which he reported to the Department that the temple erected in front of the General's tomb is still maintained, and that on every New Year's Day offerings and flowers are placed on his grave.

On his death-bed he made a nuncupative will in the presence of an officer and seaman of the British Navy, which was written down at the time as dictated by him as follows:

"The Taotai of Shanghai owes me 110,000 taels. The Takee owes me 30,000 — 140,000 taels [of the value then of about $200,000].

"I wish my wife to have 50,000 taels, and all remains between my brother and sister.

"I wish Admiral Sir James Hope and Mr. Burlingame to be my executors.

"Witness our hands:

"Arch. Bayle, Lieutenant and Commander.
"John Colton, Boatswain."

The first of the Chinese named was one of the officials charged with the suppression of the rebellion, and the other was the Commissioner of Revenue, the persons through whom General Ward had advanced money for the maintenance of

his corps. His personal account was mixed with the accounts of the corps, difficulty was found in separating them, and the Chinese officials named sought to avoid personal responsibility. His individual claim was referred to a board of arbitration, which gave his administrator an award for the amount claimed; the Chinese Government recognized its justness, but required that the officials named should pay it. Years elapsed in the effort to secure a settlement, and the older the claim became the more difficult it was to secure the attention of either the Government of China or the United States.

The father of General Ward made the long journey from Salem to Shanghai and Peking in vain, and died on his return voyage. Successive administrators and consuls in China and attorneys in Washington had labored without avail, some dying, and others, tiring of their task, made way for new ones to be engaged.

In 1902, forty years after the death of General Ward, I was urged to take charge of the claim, but I knew something of the hopelessness of the task of reviving claims so long dead, and declined the offer. However, the heirs were persistent, and on examining the record I became satisfied of its meritorious character, and finally consented to make the effort. My first step was to prepare, with the aid of an associate counsel, a clear and succinct printed memorial, which would enable the officials of both Governments to readily inform themselves of the salient features of this ancient claim.

I soon saw that my only hope of success was in securing its payment out of the Boxer Indemnity Fund; and it was apparent that the Secretary of State would not be warranted in making such payment without the consent of the Chinese Government. To this task I addressed myself. Fortunately I had influential acquaintances in the Government at Peking, and by an appeal to their national pride and sense of justice and gratitude their consent was obtained to this method of settlement, and an agreement was reached between the two

Governments for the payment of the claim from the indemnity fund. I gained quite a reputation for my success, but it was due rather to a fortuitous concurrence of favoring circumstances — a just and painstaking Secretary of State in Washington and personal friends at Peking.

The last case in my professional business which I shall notice is that of the Canton-Hankow Railroad Concession. It is worthy of mention especially because it involved a European sovereign and the leading financial personage of America. After three years of effort at Peking, a concession was granted to an American company in 1898 to construct and operate a railroad from Canton to Hankow, one condition of the concession or contract being that its property and interests should remain in American hands and that they could not be transferred "to other nations or people of other nationality." After seven years had passed without any serious attempt to build the road, beyond a survey of the line, the Chinese Government sent an agent to the United States to ascertain the financial standing of the company and the causes of the delay in executing the contract.

It was found that the company, or the "promoters" who had charge of the concession, had made various efforts to induce capitalists of this country to invest in the enterprise, with only very limited success, and that finally they had sent a representative to Belgium who had arranged with a financial syndicate in that country to furnish sufficient money to start the enterprise, but only on condition that a controlling interest in the company be assigned and transferred to the Belgian syndicate. This was done. Meanwhile the company's agents and employees in China had incurred the hostility of the people along the line of survey by their arrogant conduct, and destroyed the confidence of the Chinese officials by their delays and failures.

Under the circumstances the Chinese Government decided to take advantage of the forfeiture clause of the contract and

terminate the concession. I was asked by the Chinese Minister in Washington to conduct the negotiations for that purpose. When notice was given to the president of the company of the intentions of the Government, two new elements were developed in the case. Mr. J. Pierpont Morgan of New York made a visit to Washington, and in a conference with the Chinese Minister he stated that he had been induced to take an interest in the enterprise and that he had become the owner of a sufficient amount of the stock of the company not only to transfer again the majority of the stock to the American holders, but that he possessed a controlling interest in the company, and that it was his intention to build the road.

The other feature was the sudden activity of the Belgian Minister in Washington, who informed the Department of State that Belgian subjects were largely interested in the company, and the good offices of the United States were invoked to prevent the threatened forfeiture of the concession. It appeared later that the chief holder of stock in Belgium was King Leopold II.

Notwithstanding these powerful influences, the Chinese Government was resolved to repossess the concession. The negotiations were then transferred to New York City, where I met Mr. Elihu Root (afterwards Secretary of State), then practicing law in that city, who represented the company and Mr. Morgan. He soon became satisfied that the Chinese Government was determined to forfeit the concession, unless it could acquire possession by purchase. Mr. Root advised the company to accept the latter alternative, and the negotiations were conducted to that end. The company made a statement of its alleged expenditures, and then offered to assign and transfer to the Chinese Government all its rights and interests in the concession for a sum equal to three times the amount of its expenditures.

This demand was extortionate, but rather than resort to the extreme of forfeiture and possible diplomatic reclama-

tion, the Chinese Government agreed to pay the company $6,750,000, and an agreement was drawn up to that effect and signed by Mr. Root and myself. As soon as this settlement became known, strong protests were made by the Belgian holders of stock, and President Roosevelt was induced to interfere and send a remonstrance to the American Minister at Peking. But as soon as he was fully informed of the agreement he withdrew his objection, and King Leopold and his Belgian associates had to accept the settlement.

An incident of the payment of the final installment under the agreement illustrates the peculiar financial ethics which prevail in Wall Street. Among the terms of settlement it was agreed that the sum to be paid the company was to bear interest at five per cent till paid; and also that bonds which had been issued to the company bearing five per cent interest to the amount of over two million dollars might be redeemed, but if the company or holders of the bonds preferred to retain them the amount of these was to be deducted from the final installment. When we met in Mr. Morgan's banking-house to make the final payment, we found that his accountants had calculated interest on the full amount of payment, without taking account of the deduction for bonds which the company elected not to have redeemed. I spent a half-hour discussing this interest charge with Mr. Morgan, without convincing him that a double charge for interest on the installment and on the bonds was not just nor contemplated by the agreement. An adjournment for the payment of the last installment was taken till the next day. Mr. Morgan's lawyers thus had an opportunity to confer with him, and the next day a new account of interest was presented, with the interest on the bonds omitted, and the final payment was duly made.

I might cite other cases intrusted to me during my residence in Washington of more or less general interest, but the foregoing are sufficient to show the character of my occupation. An important branch of my practice was in acting as

counsel for foreign embassies and legations, either by regular retainers or by special engagement. Some of the heads of missions coming to Washington were without diplomatic experience and others were not well versed in our political and legal systems, and they felt that they could profit by my diplomatic experience and my knowledge of the institutions of our country. My advice always was to avoid controversies with the Department of State, and I feel that in this capacity I have been able to render a service to both our own and the foreign governments.

It has been a pleasant experience of my life to have been brought into intimate relation with lawyers of the highest standing both in America and Europe. During my diplomatic service and in the arbitration tribunals at Paris and London, as also at The Hague, and in my residence in Washington, I have met many of the first men of my profession, and I am happy to say that in professional ethics and in ability the leading American lawyers compare favorably with those of the front rank in Europe.

I may add in closing this chapter that whatever success I have had in my profession and in diplomacy is in large degree to be attributed to my close and undivided attention to my business, to the exclusion of all ulterior interests. While in the Diplomatic Service my colleagues in Mexico speculated in mining ventures, and in Europe they often dabbled in stocks. I deemed it unwise to be concerned in either. The "Emma Mine" scandal that destroyed the usefulness of our Minister in London, and the business experiences of others served me as a warning.

During my residence in Washington I had a number of tempting offers to assume the presidency or management of trust, banking, or other corporations, or to represent large business enterprises in foreign countries; but I decided that it was better to make a specialty of matters which I understood rather than be led into ventures of which I knew little

and for which I might prove not fitted. When a case was intrusted to me I sought to master every question connected with it, and if my clients were not successful it was for no want of thought, time, and attention on my part.

## CHAPTER XLII

### LIFE IN WASHINGTON

WASHINGTON is already, and destined to be more and more, one of the most attractive cities of the world, both in its physical appearance and social aspects. The plan upon which it was laid out is unique. Its wide streets, its many open squares and parks ornamented with an abundance of trees and garden-plots, the ever-increasing number and magnificence of its public buildings, and the picturesque character of its suburbs, charm all visitors both native and foreign.

It is purely a political capital and a residential city. Happily it has no outside commerce and scarcely any manufactures. I have always looked with disfavor upon the efforts of some of its enterprising citizens to encourage the establishment of factories and develop trade. I hope it may remain a distinctively political capital — a large village or small city. Legislation will then be more free from external influence and society will not become too much overgrown and pampered. With Congress, the Executive Departments, the Courts, and the Diplomatic Corps as its special attractions, it will continue to bring to it intelligent and distinguished citizens as permanent or winter residents, and it will come to be recognized as the most desirable city for residence in the world.

I cannot refrain from giving an extract from a letter written to me by one of our most brilliant public men, whose early death brought to a close a most promising career, to show how the Capital impresses one even in the heat of summer. William Walter Phelps wrote me in July, 1889, as follows: —

"You don't know how beautiful Washington looked,

where I went in the last of June with my treaty [the Samoan General Act] and came back with my commission [Minister to Germany]. I walked by your house, took a meal or two with Blaine at the Normandie, and made my home at the Hitts. Wherever I was it seemed as if I were living in a park where there was nothing but the singing of birds and the variable shade made by the moving of luxuriant branches. What a city that Washington is in the summer-time of a leafy year, such as this was!"

One of the chief attractions of Washington is found in the number of men of eminence who make it their home on their retirement from active life. One of the most notable and charming of those whom I first met on coming to reside in the city in 1881 was George Bancroft, the Nestor of the Diplomatic Service and of American literature. He was then eighty-one years of age, but in full vigor of health and intellectual activity. He had just completed the last volume of his great work, the "History of the United States." Though he achieved much distinction in political life both at home and abroad, his most enduring fame will rest upon his history, which more than the work of any other American writer will be entitled to take its place with Gibbon's great history of the Roman Empire. Mr. Bancroft was a well-known figure in the streets of Washington, as he was quite regular in his daily horseback rides. He went very little into society at that time, but he kept open house for his friends, and I was a frequent visitor there for a number of years.

Hugh McCulloch, the financier of the Civil War, passed the years of his retirement from public service in Washington. He was called to the Capital by President Lincoln from Indiana, where for a number of years he had been at the head of the Bank of the State and in that capacity had attained much reputation as a banker. The institution had branches in the leading towns of the State, in one of which my father was an officer and a director, and in that way the two formed

an intimate acquaintance. When I came to Washington he sought me out for my father's sake and we became very good friends. On his eightieth birthday he gave a dinner to his old associates and friends, most of them octogenarians or past the scriptural period of threescore years and ten; and thereafter on each recurring anniversary he gave a dinner. I was always invited to these entertainments, although I was thirty years his junior, and when the dinner-party talked of the "Hard Cider Campaign" of 1840 and of other events which had occurred when I was a child, they seemed surprised that I did not remember them. Mr. McCulloch apparently confounded me with my father, who had been dead for twenty years and more.

I have spoken of Mr. McCulloch as the financier of the Civil War. Mr. Chase, as Secretary of the Treasury, has usually received the larger share of the credit for managing the finances of the Government during that crisis, but Mr. Chase was a lawyer and had no practical experience in banking or finance, and he depended much on the aid and counsel of Mr. McCulloch in the management of the affairs of the Treasury Department. The latter was for some years Comptroller of the Currency, and as such he organized and set in operation the national banking system, and just before his death President Lincoln called him to the vacancy as the Secretary of the Treasury, in which position he remained throughout the Administration of President Johnson. During this latter period he devised the measures for meeting the enormous demand upon the Treasury consequent on the adjustment of the war expense and the refunding of the bonded indebtedness. He was also largely influential in holding Congress to a strict adherence to our plighted financial obligations. He was called by President Arthur again to the Department for a few closing months of his Administration, thus being the only man in our history who has a second time held the Treasury Portfolio. He has left a volume of his "Reminiscences"

which evince much literary ability and are very interesting.

One of the most celebrated of our public men who spent a considerable part of the evening of his life in Washington was Edward Everett Hale, author, historian, divine, reformer, friend of mankind. After he attained the age of eighty he was made Chaplain of the Senate, and became a permanent resident of the Capital and a near neighbor of mine. We found much in common to talk about, as we were laboring to create a stronger public sentiment in favor of international arbitration and to restrain the craze for enlarged naval and military armament. We never counted visits, and so long as he could walk with safety he dropped in at my house with frequency to have a talk. He had a great fund of anecdotes and reminiscences, still had a retentive memory, and being a good conversationalist he was a great favorite in intellectual circles.

Boston being for so many years his home, he knew every person of note of that region for a century back, either personally or at first hand from their intimates. I spent the greater part of the years 1855 and 1856 in Cambridge, a most interesting period in the history of Boston and the country. Old political parties were going into decay and new ones forming. I listened to Rufus Choate, Robert C. Winthrop, and others of the ancient school of politics in Faneuil Hall as they endeavored to convince the people that the old Whig Party still had a mission to perform. I heard Wendell Phillips's memorable philippic against the slave power at the indignation meeting in Tremont Temple over the assault on Senator Sumner. I was accustomed to go to the courts to see the rising young lawyer, Ben Butler, try his cases. Emerson, Holmes, and Lowell, who made famous the "Atlantic Monthly," were then prominent, and Theodore Parker was seeking to tear down the bulwarks of Puritan orthodoxy. It delighted Dr. Hale to talk with me about those and other

Boston worthies, and to tell of the many interesting men on both sides of the Atlantic of whom he knew so much.

The Doctor was greatly enamoured of Washington, because, as he said, he saw there all sorts of people from all parts of the country and the world, because he touched life at so many sides or surfaces; and moving among all kinds and classes he kept his life fresh and genuine. Because of his buoyant nature and these new scenes, as one of his sons wrote, he, an octogenarian, was as young as his sons, grandsons, or great grandsons.

There has existed in the Capital for many years a scientific club or coterie of men distinguished in science, literature, or the learned professions, who came together without organization or by-laws, usually weekly during the winter months, for conversation on topics in which they were interested or which were attracting public attention. Mr. McCulloch speaks of it in his "Reminiscences" as presided over in his day by Professor Henry of the Smithsonian Institution, and among its members was Professor Simon Newcomb, the great astronomer, who was still a member in my day when weekly meetings were held at the residence of Professor Alexander Graham Bell, the inventor of the telephone.

A kindred body is "The Literary Society," organized by James A. Garfield some years before he became President of the United States, and made up of a limited number of literary and artistic people, at whose weekly or semi-monthly meetings formal papers are read, followed by a discussion, music, and a social entertainment.

There is also "The Round Table," in the Congressional Library Building, presided over by the Librarian, Dr. Herbert Putnam. It is an informal party gathered daily for luncheon, composed mainly of the literary, scientific, and professional men engaged in work on Capitol Hill, who spend an hour about the table eating, smoking, and conversing. The members are permitted to bring with them a friend who chances

to be in the city, and in this way we have made the acquaintance of university men, scientific people, lawyers, and divines from all parts of the country and in fact of the world. The existence of these three bodies shows that the Capital is not wholly given over to political discussion and trivial society gossip. I have always been an appreciative member of them, and they have contributed very greatly to the enjoyment of my Washington life.

The newspaper representation is an important contingent of Washington public affairs. The leading newspapers of our country, as well as of London, maintain permanent correspondents here, and as a class they rank well with the members of any of the learned professions, both as to intellectual capacity, reliability, and patriotism. There have been unworthy members, but hardly more numerous than in the other professions. Several of the correspondents were among my most intimate friends, and I have learned to appreciate their valuable services to the country. I may mention one of these as a worthy representative of his class.

Charles Nordhoff was born in Germany, and was brought to this country by his parents when a child. He spent his early boyhood in what was then the backwoods of Arkansas, and began life as a "printer's devil" in Philadelphia. Of a roving disposition he ran away and enlisted in the navy and spent ten years of his life in that and the merchantman service. He then resumed his trade as a printer, educated himself, and after various hardships he reached the high position of managing editor of the New York "Evening Post"; and finally went to Washington in 1871, as the head of the "New York Herald Bureau," which position he held till he retired to private life.

He was a self-made but a well-made man. A great reader with a retentive memory, he became a ready and vigorous writer. He was a man of strict integrity, of the highest standard of truthfulness, an inveterate hater of deceit and chi-

canery, of deep religious sentiment but free from its ostentation. He was a man of strong will and very decided convictions. He made many enemies because of these qualities, but he had warm and devoted friends. During the twenty years he spent in Washington he probably was brought into intimate personal contact with more public men than any other person of his day, and he always commanded universal respect if not approval. He was the author of a score of books, on a great variety of subjects suggested by his life experience, some of which proved very popular.

With advancing years he grew tired of the turmoil of political strife, gave up the largest salary paid to a correspondent, and retired to Lower California to end his days in rural life. He was "a ready writer," and we exchanged many letters. I quote a paragraph to show how he enjoyed this correspondence. Writing from Coronado, California, he began his letter by saying: "My dear Foster, I received your good letter some time ago, and have read it over several times, and I have only one fault to find with you — that you began with an apology for not writing before. Don't do that. I never doubt the affection of my friends, least of all yours, old friend; and I know how busy you are; so don't let me be on your conscience. And don't hesitate to dictate a letter. . . ."

Another extract will show how partial he was of his friends and what pride he took in their success. He and I were usually at the antipodes in our politics, but he never allowed that to interfere with our friendship. After I had returned from my peace mission to Japan and China, he wrote: "So you are home safely, and what a work you did! I think of you with pride and joy, and send you my most hearty and affectionate congratulations. You covered yourself with honor; but I am glad you did not agree to stay permanently. It was I think a wise decision. You have done enough for glory in your career, and can afford to rest on your laurels. But be sure to have full notes of all you did, so that, as time passes,

you may write out the strange and wonderful history in all its personal details; for it was a notable passage. . . ."

Washington society was often enlivened by the visits or temporary residence of celebrated literary women. None of these was more brilliant or attractive than Mary A. Dodge, the witty and trenchant writer, better known by her *nom de plume* of "Gail Hamilton." She was a cousin of Mrs. James G. Blaine and usually made her residence her home. She began to spend her winters in Washington when Mr. Blaine was Speaker of the House and thus was thrown much into political life. She was educated in the Orthodox Congregational Church and took pride in her Biblical scholarship. For two or three seasons she conducted a Bible-class on Sunday afternoons in the parlors of Mr. Blaine's house, attended by society ladies and public men. She was not always orthodox in her views from the Puritanic standpoint, but she always was sparkling and interesting. Those lectures, for such they were, were published in book-form under the title of "The Washington Bible-Class." Her last literary work was a life of Mr. Blaine.

During her last years in the Capital I saw her often in Mr. Blaine's house, and greatly enjoyed her attractive conversation, her lively and engaging manners, and her independent and original character. She had championed the cause of Mrs. Maybrick, the American imprisoned in England on conviction of poisoning her husband, and when I became Secretary of State I inherited this case as part of the unfinished business of Mr. Blaine's administration. Miss Dodge, with her impetuous temperament, gave me little rest in the consideration of the case, her efforts being directed to securing release from imprisonment, a matter in which the Government of the United States could take no part except in a purely unofficial way.

Besides her formal communications to the Department of State, Miss Dodge poured in upon me long personal letters, a

few extracts from which will indicate their purport and spirit. She had already forwarded to the Queen a petition signed by Mrs. Harrison, wife of the President, and many other prominent women, including wives of Cabinet members; and also a petition to the Premier, Lord Salisbury, signed by Vice-President Morton and many public men; all to no purpose. She writes as follows: "Two days ago I sent you a letter about Mrs. Maybrick. I make no apology for sending you another. It is for the life, honor, and peace of a woman that I am wearying you — a woman twenty-six years old when she was shut up in a State prison for life because a demented Judge, in a fit of frenzy, condemned her to it, and all England is not sane enough to take her out." Again she writes: "May I beg another favor. It is for the most wronged and wretched woman in the world"; and at the end of four pages, she concludes — "It is the crime of the Nineteenth Century."

In a letter covering eight pages she begins as follows: "My dear Mr. Foster, — I write to you now not as a lady to a gentleman for whom she entertains a cordial regard, but as an American citizen to the Secretary of State, to whom belongs the protection of American citizens in foreign lands. . . . What is there in the Union as it was and the Constitution as it is to prevent the head of our Foreign Relations from making a formal application and remonstrance to the head of the British Foreign Relations. I had hoped that her release would be secured by an appeal to the justice of England, but thus far it has not been done. As one of England's own writers says, and in connection with this case, the Government has lost the dictionary and has no such word as justice. . . . The English Government cares nothing for justice, but it is afraid of popular agitation. I have reason to believe that the nation is ready to be agitated. . . . Don't give yourself the trouble of answering this letter — write to Lord Rosebery instead!"

After a respite of a few weeks she reopened the correspondence with a sixteen-paged letter on a new line of argu-

ment. "I am told there was a 'great row' in a late London Cabinet meeting over the demand of the President for the release of the Irish-American prisoners. Now is not one American woman worth many Irish men? I ask this question sternly and confidently to the husband of Mrs. Foster? . . . Will it well bear public scrutiny that the Government looks after the welfare of men, but leaves a woman alone to take care of herself? I am sure the American people would stand a little over-interference for a woman's sake on the part of the Government, rather than an indifference that amounted to negligence. . . . She [Mrs. Maybrick] is an innocent prisoner — the victim of rapacity and tyranny. I cannot see why she should not be rescued from the clutches of England just as much as if England were Turkey or the Fiji Islands. She is imprisoned under the forms of law, but so is a man eaten by cannibals under the forms of their law."

The foregoing was followed soon after the presidential election by another letter: "You are not to answer this letter. I shall call it uncovenanted mercies if you will but read it. . . . All the time I have left for indignation is devoted to wrath over the British rejoicing on the election of Cleveland." This was soon followed by a letter from Mrs. Blaine, inclosing a telegram from Miss Dodge to Mr. Blaine, then on his death-bed, imploring him to intervene with me for some energetic action. In sending me the telegram, Mrs. Blaine wrote: "There is hardly anything in life I myself desire so much as to give Mrs. Maybrick back to her mother, but this does not, alas! help her. It seems strange that Providence and her own country are of little avail. Mr. Blaine is very anxious that an effort should be made. I add this last line at his request. With entire confidence that you will do all in your power, and the hope that the power may equal the wish, I am with the greatest respect and affection, yours, HARRIET S. BLAINE."

Influenced by these appeals rather than by the existence of

any foundation for diplomatic intervention, I instructed our Minister in London to make some verbal and unofficial representations to Lord Rosebery. Having advised Miss Dodge of my action, she wrote me as follows: "Mrs. Maybrick's cause is as much yours as mine, but I thank you as deeply and truly as if it were mine and not yours. Your letter is everything that could be desired. The reference to the President, in memory of Mrs. Harrison's wish, is touching and gentle and I should think irresistible. Are you willing that I should send a copy of it to Mrs. Maybrick's mother for her comfort and hope? . . . I fully appreciate that you have strained a point on the side of mercy. . . . With great respect and lasting gratitude, I am," etc.

Neither her untiring efforts nor my feeble intervention were of any avail. Mrs. Maybrick languished in prison during the term of her sentence, eleven years after I left the Department and eight years after the death of Miss Dodge.

During my residence at the Capital I formed many close friendships with Senators and Members of Congress. Among these none was more cordial or intimate than with Senator Morgan of Alabama, a Confederate soldier and an ardent Democrat. He was a man of the highest sense of honor and justice, and he warmly espoused the movement to secure the release of Mexico from the payment of "La Abra" and "Weil" fraudulent claims. But for his support I most likely would have failed in my long and arduous contest. While an intense partisan in domestic politics, he always entertained liberal and patriotic views of our foreign relations. In recognition of this spirit and of his high ability, President Harrison appointed him a member of the Bering Sea Arbitration Tribunal at Paris, and I was brought into close contact with him during its sessions. No Northerner could have defended the interests of the reunited country with more devotion than this Confederate soldier.

He became greatly attached to me because of a little serv-

ice which I was able to render him at stated intervals during his Senatorial life. During the Administration of President Cleveland he secured the appointment as postmaster of his home town in Alabama for a lady, the widow of a devoted friend and army comrade, who had died leaving a numerous family destitute. On the return of the Republican Party to power there was a strong effort made by the local politicians to get possession of the post-office. Senator Morgan filed his recommendation for the retention of his friend's widow, but owing to his party affiliations he did not feel at liberty to urge it actively. He invoked my aid and sympathy for the mother of a rising family. At first I had little difficulty in securing her reappointment; but as each term of four years expired, the local politicians grew more hungry for the spoils of office; and in President Roosevelt's second term, I found that the Postmaster-General thought she had held the office long enough and that he should have to yield to the demand of the local politicians.

It became necessary to intervene directly with the President. One evening, after a dinner at the White House to which I had been honored with an invitation, I apologized to Mr. Roosevelt for "talking shop," and explained the situation. "Does the Senator want the woman reappointed?" he asked. I replied that he was quite anxious about it. "It shall be done at once. Send me a note in the morning to remind me of it." I mention this incident, because it shows Mr. Roosevelt's generous nature, as the Senator at that time was violently attacking the President's pet scheme of the Panama Canal and antagonizing his Administration measures generally. The Senator died at the ripe age of eighty-three, after having served in the Senate thirty years consecutively, in the full possession of his mental faculties and enjoying the respect of the entire nation. He was a fine specimen of the Southern statesman and gentleman.

One of the most notable personages in society after the

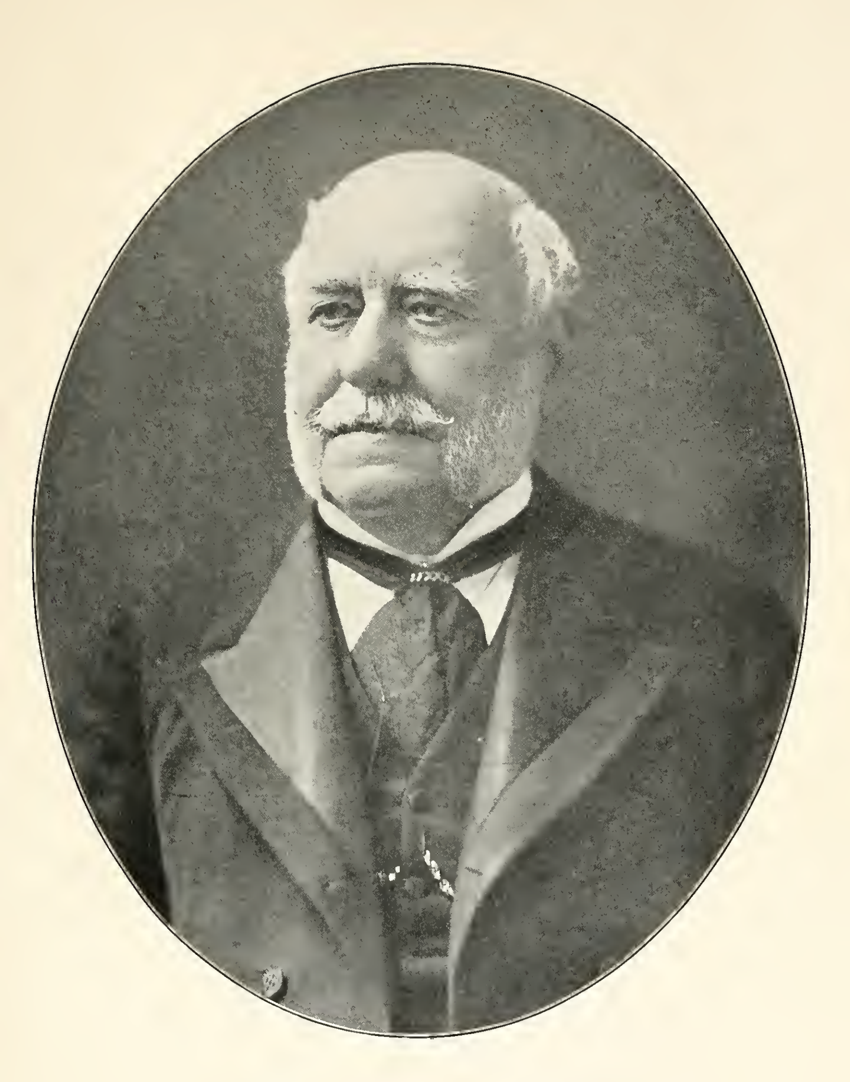
Spanish War was Admiral George Dewey. On his return from Manila he was given the most magnificent reception ever accorded to any one in Washington. The unbounded manifestation of the country's gratitude and hero-worship was interpreted by some of his intimates into a desire to make him President. He was not carried away by this hallucination, but continues to wear modestly his great honors. He told the story of the victory of Manila Bay very interestingly and in no boastful spirit. To his friends he made no reservation of his views as to the presence of the German Navy in the harbor during the critical days after the battle and before he was reinforced by the army. He had no doubt of the friendly sympathy of the German commander for the Spaniards, and for some time he was in expectation that this sympathy would develop into hostile acts.

The presence of the Diplomatic Corps lends to the Capital an attractive political and social feature not possessed by any other of our great cities. It is composed usually of persons of education and high culture, and their presence is much appreciated in social circles. The creation of the grade of ambassadors for a time disturbed society, but it soon learned to adjust itself to the new rank. Official precedence is, of necessity, carefully studied in Washington, and while it yet presents some unsolved problems, so far as the Diplomatic Corps is concerned it has come to be pretty well understood and observed. Daniel Webster when Secretary of State was called to account for seating the Brazilian Minister, at an unofficial dinner at his residence, after the British Minister, who had arrived later in Washington. He defended himself on the ground that "the private hospitality of my own house may well be regulated by my own discretion." But to-day neither the Secretary of State nor any other person could act upon Mr. Webster's contention. Not even at private dinner-parties can official precedence be disregarded where diplomats are present.

In my diplomatic service abroad I had met many of the members of the Corps previous to their residence in Washington, and Mrs. Foster and I always sustained with them very pleasant relations, our house being a place of frequent resort for them. Of this body with none did I have longer or more friendly relations than with Sir Julian, afterwards Lord Pauncefote, the British Ambassador. His case was an exception to the British practice of making the Diplomatic Service a life career, for he did not enter that service until after middle life. His chosen profession was the law, and he had served in judicial positions in the colonial possessions of the Far East and the West Indies for a number of years before he was called to be permanent Under-Secretary of the Foreign Office. He was appointed Minister to the United States, the only diplomatic post he ever held, when he was about sixty years of age.

He was a good type of a refined English gentleman. Impressive in manner, he indulged in no ostentation, and was very simple in his tastes and intercourse. He possessed few of the brilliant qualities of Lord Dufferin, and had none of the hectoring ways or versatile qualities of that earlier and even more celebrated British diplomat, Lord Stratford de Redcliffe. He made no speeches, did not permit himself to be interviewed by the press, and he was the author of no memorable dispatches. But he was methodical and attentive to business, a man of sound judgment, and he impressed every one who came in contact with him with his perfect sincerity and conscientiousness. With such traits he made himself so useful to his Government that when he reached the age of retirement in the Diplomatic Service of his country, by express command of Queen Victoria, he was continued at his post to the day of his death.

Towards the end of his career it was my good fortune to render him a little service for which he was very grateful. In 1898, just on the eve of the Spanish War, the European



*Pauncefote*

Ambassadors in Washington waited in a body upon President McKinley at the White House and made a representation to him which they alleged was in the interest of peace. It was a proceeding unusual in our diplomatic practice, and created some resentment in the press of the country. Lord Pauncefote, as the Dean of the Diplomatic Corps, was the medium of communication with the President, when in fact his country was the only one of the Powers represented which sympathized with the attitude of the United States on the Spanish question.

Four years later it transpired that a second representation and ambassadorial visit to the White House had been proposed of a still more friendly leaning towards Spain, and the German Ambassador, Mr. Holleben, with the object of diverting public attention from the well-known friendliness of Germany to Spain in the war, gave it to be understood that Lord Pauncefote had suggested this second visit. It became a matter of animated discussion in the press, and Mr. Wayne MacVeagh, former Attorney-General and Ambassador to Italy, wrote a signed communication to the press on the subject, and in the concluding paragraph spoke in high terms of Lord Pauncefote. The next day I was interviewed by the same paper, in which I expressed dissent from some of Mr. MacVeagh's views, but used this language: "Mr. MacVeagh has spoken a timely word on the Pauncefote-Holleben incident. The British Ambassador is too well instructed in the proprieties of his position to break silence on the subject. It is for his Government to determine whether the situation calls for a statement of the part taken by him in the now celebrated conference of April, 1898. If its details are made public, I feel sure they will not change the high estimate in which Lord Pauncefote has ever been held by our people. And if the silence remains unbroken, his past conduct should be accepted as a guaranty that he has done nothing unfriendly to the United States. He is approaching the end of a highly

honorable and useful career, and idle rumors or surmises of misinformed persons should not be permitted to cloud the reputation of such a distinguished diplomatist."

This interview brought from Lord Pauncefote the following letter: —

BRITISH EMBASSY.
WASHINGTON, 20th Feby, 1902.

DEAR GENL. FOSTER, —

I write to express to you my deep gratitude for your kind defense of me in to-day's "Washington Post." My mouth being sealed, I appreciate all the more the timely service you have rendered me, and I feel that the support of such men as yourself and Mr. MacVeagh will have more effect in stopping the most unjust clamor raised against me than anything I could write myself.

I could not have believed it possible that I should ever be accused of saying or doing anything unfriendly to this country where I have spent so many years working heartily in the opposite direction. Believe me gratefully yours,

PAUNCEFOTE.

The members of the Diplomatic Corps in the United States were not all of the type of Lord Pauncefote. While the heads of missions were usually men of ability and refinement, they were sometimes lacking in the higher qualities of statesmanship and morality. One of the ablest of those of later years was Count Cassini, the Ambassador of Russia. I first met him at Peking, where he attained much celebrity for his skill in diplomacy and for a secret treaty which he negotiated with China. His career in the United States was not successful on account of his domestic relations and his conduct during the trying times of the Russo-Japanese War.

The scandals of the Diplomatic Corps in European society are so frequent that they do not occasion any other excitement than the ordinary gossip of the circle. But in coming to

the United States they find the standard of social life very different, and some of them are inclined to look upon it as prudish and puritanic. Catacazy and others of his day lived quite in disregard of the ideas prevailing in Washington. Cassini could hardly understand why domestic relations which caused no comment in Peking should be so severely criticised in this country. British representatives are usually quite as strict in the observance of a high standard of domestic ethics as the Americans, but there was a notable exception in the case of Sir Lionel Sackville-West, who, however, gained his greatest distinction and his passports for intermeddling in our domestic politics. He had three daughters by a Spanish dancer, whom according to his own affidavits he never married. He came to Washington from the British Mission in Madrid, where he lived as a bachelor, but on his arrival here he brought his daughters with him and presented the eldest as the lady of the Legation, though she had been registered in Paris as of father "unknown." They had all received a good education, were bright and attractive, and, as he had legitimatized them by legal acts in England, society kindly closed its eyes to their origin. Though the father, on his return to England, was dropped from the Diplomatic Service and largely banished from society, his eldest daughter married her cousin, the heir to the great Sackville estate and peerage. Since the former Minister's death, recently, his illegitimate son has instituted proceedings for the estate and peerage, and the litigation is still in progress.

One of the most distinguished visitors to Washington during my residence was the great Chinese Viceroy Li Hung Chang, who was returning in 1896 from the coronation of the Czar Nicholas II and a visit to the leading Courts of Europe, and who came to America on his tour around the world. During his stay in Washington he was my guest, and I was enabled to bring him in contact with the leading men of our Government. One of his mementoes was the sending of his

photograph and autograph to my grandson, who figured in the fish-story already narrated. On the photograph he wrote in Chinese the following (in translation): "Written for the little grandchild of General Foster, my friend and counsel in my hour of perplexity and trouble at Shimonoseki, Japan, with whom I, on my Imperial Mission to America, again clasp hands and talk of days gone by as happily as ever. The year of Kwang Hsu the 22nd, 7th moon, 29th day."

On his return to China he wrote me a letter, which I copy as showing the impressions and influence of his first foreign tour on this greatest Chinese of his generation, as follows: —

PEKING, CHINA, Nov. 28, 1896.

HON. JOHN W. FOSTER,
WASHINGTON, D. C., U. S. A.

MY DEAR FRIEND, — It gave me much pleasure to receive your letter of October 6 and to hear that you and Mrs. Foster had returned to Washington much improved by your summer vacation. I have likewise returned to my home here improved in many ways by my long tour. I cannot be sufficiently thankful for having been permitted to complete my journey without a single mishap and without the least detriment to health and strength.

My visit to your country, where I met with such warm welcome and boundless hospitality on every side, will always remain one of the pleasantest recollections of my travels — indeed of my whole life; nor shall I ever forget the prominent part you took, sacrificing your own convenience in the arrangements for my enjoyment.

When I arrived here and completed my circle of the globe, I had nothing but good to report to Their Majesties, The Emperor and Empress Dowager. Having actually seen how much China may be benefited by adopting foreign systems, I am anxious to avoid the fault of faith without works, and hope that time will prove my sincerity.

I shall expect to hear that you have taken office under the new Administration and thus enlarged your sphere of good influence. But whether in or out of office, I know that you will always be true to your convictions and that China will always have a stanch friend in you.

[After telling me of the members of his personal and official family, all of whom were well known to me, he closed as follows:] I am putting my shoulder to the wheel and hope there will be some progress.

Earnestly invoking lasting happiness for yourself and Mrs. Foster, I remain

Your true and greatly obliged friend,

Li Hung Chang.

Among other features of Washington life are the many organizations and societies representing national interests, of a military, fraternal, or educational character. Not the least attractive of these are the clubs or associations composed of the alumni of the great universities of the country, which are accustomed to hold annual banquets attended by the best speakers and celebrated men of the nation. I became a member of a number of these clubs by virtue of the honorary degree of Doctor of Laws which had been conferred on me. This degree was first given me by Princeton University and Wabash College while I was absent on the peace mission to Japan and China in 1895. The following year the degree was conferred upon me by Yale University, and, under the practice in such cases, I attended the commencement exercises to receive it. The recipient on such occasions, standing on the platform in the presence of the assembled multitude, while a sketch of his life is given to justify the degree amid the roistering applause of the students, undergoes an ordeal not very pleasant for a modest man. I had similar experiences later at Pennsylvania and Indiana universities.

When at the close of my mission to Spain I resumed my

residence in Washington I was fifty years of age, and from that date forward I did my most laborious and successful work. It seemed as if the earlier portion of my life had been merely a preparation for the labor which was in store for me and which proved the most useful and important. I have been highly honored by my country with many important public trusts, but I have the consciousness of having earnestly striven to discharge them faithfully. The retrospect of a life of more than threescore years and ten occasions much satisfaction and little regret, thanks to a kind Providence, a favoring Government, and a host of friends.

THE END

# INDEX



# INDEX

The Riverside Press
CAMBRIDGE . MASSACHUSETTS
U . S . A











